



# Development Ordinance

Final

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Effective May 1, 2015

# MILLE LACS COUNTY DEVELOPMENT ORDINANCE

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## DRAFT MILLE LACS COUNTY DEVELOPMENT ORDINANCE

### ARTICLE ONE: INTENT

- 101 SHORT TITLE. This Ordinance shall be known and cited as the “Mille Lacs County Development Ordinance.”
- 102 EFFECTIVE DATE. The Development Ordinance shall take effect on May 1, 2015. Land development and structures completed, or for which approval has been granted, before this date that do not conform to the standards of the Development Ordinance, but which meet all standards and requirements in effect at the time of their installation, shall be deemed to be legal.
- 103 NON-CONFORMING USES, STRUCTURES, AND LOTS. Any changes to such uses or structures shall comply with the following provisions:
- 103.1 NON-CONFORMING USES. The following provisions shall apply to all non-conforming uses, except those in flood plains or Shoreland districts.
- A. The County, at the request of the owner, shall issue a Certificate of Non-Conformity, which serves as evidence that the use existed prior to the adoption of the provision, which made the use non-conforming.
  - B. A non-conforming use may be continued; however, it shall not be extended, expanded, or changed, unless to a conforming use, except when allowed as a conditional use by the County Board in accordance with the following:
    - 1) The new use will more closely align to the uses allowed in the district.
    - 2) The changed use will be in keeping with the character of the neighborhood in which it is located.
  - C. In the event that a non-conforming use ceases, for whatever reason, for a period of one (1) year, or is abandoned for any period, such non-conforming use shall not be resumed.
- 103.2 NON-CONFORMING USES IN FLOOD PLAINS. The following provisions shall apply to all non-conforming uses in flood plains:
- A. No such use shall be expanded, changed, enlarged, or altered in a way that increases its non-conformity.

- B. Any structural alteration or addition to a non-conforming structure or non-conforming use, which would result in increasing the flood damage potential of that structure or use, shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques allowable in the State Building Code.
- C. The cost of all structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed fifty percent (50%) of the market value of the structure, unless the conditions of this section are satisfied. If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of the structure, then the structure must meet the standards of these provisions for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
- D. If any non-conforming use or structure is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to the standards in the Development Ordinance. If any non-conforming use or structure is substantially damaged, it shall not be reconstructed, except in conformity with the provisions of the Development Ordinance.
- E. If a substantial improvement occurs, from any combination of a building addition to the outside dimensions of the existing building or rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing non-conforming building, then the building addition and the existing non-conforming building must meet the requirements of these provisions for new structures.

103.3 **NON-CONFORMING USES OR STRUCTURES IN SHORELAND DISTRICTS.** When any non-conforming use or structure located in a Shoreland district is expanded, reconstructed, or otherwise modified to any extent amounting to fifty percent (50%) or less of its market value, it shall be allowed to continue as a non-conforming use or structure.

- A. Whenever a non-conforming use of a building has been changed to a more restrictive use or to a non-conforming use, such use shall not thereafter be changed to a less restrictive use.
- B. Alterations may be made to a residential building containing a non-conforming residential use when they will improve the livability of such

units; provided, however, that they do not increase the number of dwelling units in the building.

- C. A building or structure, containing or supporting a non-conforming use, which has been damaged by fire or other peril to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the County Assessor at the time of the damage, may be restored, provided the structure is residential in nature; the owner applies for a permit within one hundred eighty (180) days of the event; and the structure is not enlarged horizontally or vertically. The County may impose reasonable conditions upon a permit in order to mitigate newly created impacts on adjacent property or water body. This provision does not apply if the owner elects to remove the structure of his or her own volition.
- D. Maintenance of a building or other structure containing, or used by, a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations, which do not extend the non-conforming building or use. Nothing in this section shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator.
- E. The enlargement of a non-conforming structure shall be prohibited, unless a variance is approved by the Board of Adjustment.
- F. Non-conforming structures in Shoreland districts shall be allowed to continue. However, any structural alteration or addition that will increase the substandard dimension will not be allowed.

103.4 NON-CONFORMING LOTS OF RECORD. Any non-conforming lot of record outside of a Shoreland district, existing on the effective date of the Development Ordinance and then held in separate ownership different from the ownership of adjoining lots, shall be exempt from the minimum lot area, depth, and width requirements.

103.5 NON-CONFORMING LOTS OF RECORD IN SHORELAND DISTRICTS. Construction on non-conforming lots of record in Shoreland districts must comply with the following provisions:

- A. Lots of record in the office of the County Recorder on August 1, 1972 that do not meet the requirements of the Development Ordinance may be allowed as building sites, without variances from lot size requirements, provided that all structure and septic system distance

- requirements can be met; 1) Type 1 sewage treatment system consistent with Minnesota Rules 7080-7083, or successor rules, can be installed or the lot is connected to a public sewer; and the impervious surface coverage does not exceed twenty-five percent (25%) of the lot.
- B. Two (2) or more contiguous non-conforming lots under the same ownership may be considered as separate parcels of land for the purposes of sale or development if each lot meets the following requirements:
- 1) The width and area of each non-conforming lot of record is at least sixty-six percent (66%) of the lot width and area required, and the lot is suitable to site a conforming septic system;
  - 2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules 7080-7083 or successor rules and local government controls; and
  - 3) The impervious surface coverage must not exceed twenty-five percent (25%) of the lot.
- C. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of the Development Ordinance, the lot may not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of the Development Ordinance.
- D. Contiguous lots of record in shoreland areas under a common ownership may be sold or purchased individually, if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules 7080-7083, or successor rules, or connected to a public sewer.
- E. In applying for variances, zoning, and building permit applications or conditional use permit requests, the property owner shall address storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

- F. A portion of a non-conforming lot may be separated from an existing parcel, as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot, and the newly created parcel is combined with an adjacent parcel.

103.6 NON-CONFORMING SEWAGE TREATMENT SYSTEMS IN SHORELAND DISTRICTS.

- A. A sewage treatment system not meeting the requirements of Minnesota Rules 7080-7083 or successor rules must be upgraded, at a minimum, at the time of sale or transfer of ownership, or when a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statute Section 105.485, or successor statute in effect at the time of installation, may be considered as conforming unless they are determined to be failing; except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Rules 7080-7083, or successor rules, for design of on-site sewage treatment systems, shall be considered non-conforming.
- C. Mille Lacs County shall order property owners to upgrade all sewer systems found to be non-conforming in the Shoreland districts. These systems shall be identified through compliance inspections at the time of property transfer, as well as investigation of complaints received about failing sewer systems.

104 SPECIAL DEFINITIONS. Words used in a special sense in the Development Ordinance are defined in Article Thirteen.

105 DEVELOPMENT OBJECTIVES. The development objectives that are the basis for the provisions of the Development Ordinance are established in The Comprehensive Plan as adopted by Mille Lacs County. In addition to The Comprehensive Plan, the following is a supplementary statement of legislative findings, which may be used in evaluating any proposed additions or deletions to the Development Ordinance.

105.1 The general objective for the management of growth in Mille Lacs County is to provide an attractive, pleasant, healthy, safe, and convenient

environment for living, working, education, business development, shopping, and recreation. This objective shall be achieved by the creation and implementation of land use plans to:

- A. Protect individual private property rights and allow for the enjoyment of a rural lifestyle;
- B. Maintain the beauty of the natural environment and promote the County's natural resources;
- C. Manage the County's forest resources for economic benefit, wildlife habitat, and recreation;
- D. Increase property values, employment opportunities, and the economic base of the County;
- E. Provide for safe, adequate, and attractive housing;
- F. Anticipate and minimize losses from flooding;
- G. Provide for recreational opportunities and amenities that are in balance with the natural environment; and
- H. Provide for continuing County planning and growth management.

105.2 Protecting individual private property rights and allowing for the enjoyment of a rural lifestyle shall be achieved by:

- A. Maximizing allowable uses of land and minimizing County regulations;
- B. Preventing uses from adversely affecting neighboring properties; and
- C. Ensuring future generations enjoy the same rights and privileges by limiting adverse impacts to the physical environment and natural resources.

105.3 Maintaining the beauty of the natural environment and promoting the County's natural resources shall be achieved by:

- A. Preserving natural topography and wooded slope lands, including the limiting of hillside development beyond a developable gradient, the control of flood plains and watersheds, and the protection of the Rum River as a Wild and Scenic River;
- B. Preventing excessive erosion, hazardous rock and soil slippage, sedimentation, and other soil and water management problems;

- C. Regulating and controlling the materials, use, location, and maintenance of grading, excavation, and fill; and
  - D. Reclaiming land and restoring of wetlands, where appropriate.
- 105.4 Managing the County's forest resources for economic benefit, wildlife habitat, and recreation shall be achieved by:
- A. Providing connections between wildlife areas and open spaces in land use decision-making, and minimizing adverse impacts to wildlife;
  - B. Concentrating development in order to preserve farm, forest land, open spaces, and ecological connections;
  - C. Promoting agricultural and natural resource-based uses; and
  - D. Encouraging development of compatible uses in proximity to each other to minimize any potential adverse impacts.
- 105.5 The increase of property values, employment opportunities, and the economic base of the County shall be achieved by:
- A. Promoting balanced economic growth and employment opportunities;
  - B. Concentrating commercial and industrial uses in areas where streets and utilities exist, and where conflicts with other uses can be minimized through site design and screening and buffering, where appropriate;
  - C. Promoting agricultural and natural resource-based tourism; and
  - D. Retaining existing businesses, promoting the expansion of existing commercial and industrial uses, and encouraging new uses compatible with the County's development.
- 105.6 Providing safe, adequate, and attractive housing for the entire population of the County shall be achieved by:
- A. Providing a wide range of housing density alternatives and a mix of housing types, correlating residential density and housing type with topography; environmental conditions; and the capacity of, and distance from, existing and proposed utilities, streets, and community facilities;
  - B. Removing dilapidated housing, maintaining sound housing, and developing new housing;

- C. Promoting an attractive residential environment through the implementation of the other objectives set forth herein; and
  - D. Providing residential areas with adequate commercial, governmental, recreational, and educational facilities.
- 105.7 Providing recreational opportunities and amenities that are in balance with the natural environment shall be achieved by:
- A. Protecting the County's water supply and water quality;
  - B. Supporting active transportation options for bicycling and walking;
  - C. Creating outdoor and indoor recreational facilities to accommodate the existing and future population;
  - D. Preserving and maintaining the County's historical and cultural resources;
  - E. Promoting schools and parks in close proximity to decrease duplication of services, and to provide the greatest economic value of public expenditures; and
  - F. Promoting the acquisition or dedication of natural open space for park and recreational purposes.
- 105.8 The prevention of loss of life, disruption of commerce and governmental services, unnecessary expenditure of public funds for flood protections and relief, and the related impairment of the tax base shall be achieved by:
- A. Regulating uses and development in flood plains which, acting alone or in combination with other uses and structures, may cause unacceptable increases in flood heights, velocities, and frequencies;
  - B. Restricting and prohibiting certain uses, activities, and development from locating within areas subject to flooding;
  - C. Requiring that all of those uses, activities, and developments that occur in flood plains be protected and flood proofed against flooding and flood damage; and
  - D. Protecting individuals from buying lands and structures that are unsuited for intended purposes because of flood hazards.

- 105.9 The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:
- A. Avoid incompatible land use, if possible, and protect against the harmful effects of incompatible land uses through planting, open space, and topography; and
  - B. Concentrate development where possible to prevent sprawl, conserve open space, and make full use of utilities and services.

106 COMPLIANCE REQUIRED. The provisions of the Development Ordinance shall be met before:

- 106.1 Any structure is sited, erected, constructed, reconstructed, moved, altered, converted, or enlarged; or any land is altered or used;
- 106.2 The subdivision or development of any lot, tract, or parcel of land occurs;
- 106.3 Any street, sanitary sewer, septic system, storm sewer, water main, or other improvements in connection therewith is laid out, constructed, opened, or dedicated for public use or travel;
- 106.4 Any lot, parcel, or tract in a subdivision is sold, transferred, leased, or otherwise conveyed;
- 106.5 Any grading, excavation, or fill is enlarged, altered, or repaired; or
- 106.6 Any sign is erected or altered.

107 CERTIFICATES REQUIRED. To ensure compliance with the provisions of the Development Ordinance, the following certificates and plat approvals are required:

- 107.1 A certificate shall be required before any person may construct, reconstruct, move, alter, or enlarge any structure or building; or change the use of a structure or land to a different use; or change a non-conforming use or structure.
  - A. No certificate shall be issued for the construction of a structure in a subdivision or planned residential development until the final plat has been approved by the County Board and has been recorded.
  - B. Except for a single-family home or accessory use or farm, no certificate shall be issued for any allowed or conditional use upon any lot until a site map or site plan has been submitted, reviewed, and approved in accordance with the provisions of the Development Ordinance. Existing

structures where only the occupancy is being changed do not require a certificate.

107.2 A certificate shall be required prior to the occupancy of land use or structure or any portion thereof, and to certify the validity of non-conforming uses or structures.

107.3 Every certificate shall become null and void if the work authorized has not commenced within two (2) years, or is not completed within three (3) years, from the date of issue. Prior to continuance of the activity for which the original certificate was issued, a new certificate must be obtained. The certificate may be renewed by the Zoning Administrator if there has been no change in applicable regulations, and if such renewal is requested within one month of the date of expiration of such permit. If applicable regulations have changed, the full review and approval procedure required by the Development Ordinance shall apply. No certificate issued by the County Board or Board of Adjustment shall be renewed except by the County Board or Board of Adjustment.

107.4 Every certificate shall be revocable where the Zoning Administrator determines that the applicant or occupant is not complying with every condition required by the issuance of the certificate.

108 INTERPRETATIONS. The provisions of the Development Ordinance shall be held to be the minimum requirements for the protection of the health, safety, and general welfare of the residents and future residents of the County.

109 DISCLAIMER OF LIABILITY. Neither the issuance of a certificate under the provisions of the Development Ordinance, nor compliance with its provisions, nor conformance with conditions required by any such certificate shall relieve any person from liability for damage resulting from any development activity, nor attach any liability upon the County for damages to person or property. The degree of flood protection sought by the provisions of the Development Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as jams and bridge openings restricted by debris. The Development Ordinance does not imply that areas outside the flood plain districts, or that land uses allowed within such districts, will be free from flooding or flood damages. The Development Ordinance shall not create liability on the part of the County, or any officer or employee of the County, for any flood damages that result from reliance on the Development Ordinance or any administrative decision lawfully made thereunder. These provisions do not imply that

areas outside the flood plain districts or land uses allowed within such districts will be free from flooding or flood damages. These provisions shall not create liability on the part of Mille Lacs County, or any officer or employee thereof, for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.

- 110 SEVERABILITY. Should any section, part, or provision of the Development Ordinance be declared by appropriate authority to be unlawful or unconstitutional, the remainder of the Development Ordinance shall remain in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the effective date of the Development Ordinance.
- 111 REPEAL. All ordinances, including the previously adopted Development Ordinance and all amendments thereto, or parts of ordinances inconsistent with the provisions of the Development Ordinance, are hereby repealed.

## ARTICLE TWO: FARMS

- 201      **ACCESSORY BUSINESS.** An accessory business is allowed, provided that such accessory business shall not be located on sites of less than ten (10) acres and no operation shall be closer than fifty (50) feet to any adjoining property. Any structure erected, modified, or used in connection with such accessory business shall be compatible with a structure customarily accepted as an accessory to the agricultural operation on the site.
- 202      **ACCESSORY DWELLING.** An accessory dwelling shall be an allowed accessory use to house relatives, farm employees, or visitors, provided that the overall density shall not exceed one (1) family dwelling unit for each ten (10) acres.
- 203      **AGRICULTURAL REQUIREMENTS.** All farms and agricultural uses shall comply with the requirements of this section.
- 204      **ROAD RIGHT-OF-WAY.** All vehicles or farm machinery shall be stored outside of the public right-of-way.
- 205      **ROADSIDE STAND.** A roadside stand for the sale of agricultural products is allowed if:
- 205.1      The stand is used primarily for the sale of agricultural products grown in the County;
  - 205.2      Applicable health department licenses or permits are displayed on the premises;
  - 205.3      Parking space is provided off the road right-of-way; and
  - 205.4      No permanent sign is erected.

### ARTICLE THREE: OVERLAY AND ENVIRONMENTAL DISTRICTS

- 301 FLOOD PLAIN DISTRICTS. Flood plain districts identified as being subject to the one hundred (100) year flood in the Flood Insurance Study are established as the floodway (FW), the flood fringe (FF), and the flood plain (FA) hazard districts. Flood plain districts shall be overlays to the zoning districts established by Article Five of the Development Ordinance, and provisions for flood plain districts are supplemental requirements to the zoning districts.
- 301.1 Floodway District. The floodway district shall include those areas designated as floodways on the adopted Flood Insurance Rate Map. For lakes, wetlands, and other basins, the floodway district shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted March 7, 2013, that are at or below the ordinary high water level as defined in Minnesota Statutes 103G.005, or successor statute.
- 301.2 Boundaries of flood plain districts are delineated by the Flood Insurance Study that includes flood boundary and floodway maps, which are declared to be a part of the Development Ordinance.
- 301.3 Interpretation of District Boundaries. Initial interpretations of the boundaries of the flood plain districts shall be made by the Zoning Administrator. Should a dispute arise concerning the identification of any flood plain area, an initial determination shall be made by the Zoning Administrator, and any aggrieved party may appeal the determination to the Board of Adjustment. The burden of proof shall be on the appellant, who may submit technical evidence in support of his/her case.
- 301.4 Where specific one hundred (100) year flood elevations cannot be determined for the flood plain hazard district, using other sources of data including the U.S. Army Corps of Engineers, flood plain information reports, U.S. Geological Survey Flood-probe Quadrangles, or other pertinent studies, an applicant for any use or development must determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Such hydrologic and hydraulic analyses shall be performed and certified by registered professional engineers using currently accepted technical concepts. Submitted data shall be sufficient in detail to allow a thorough technical review.
- 301.5 Prior to any proposed alteration or relocation of any stream or watercourse, a permit shall be obtained from the Department of Natural Resources, Dams

Safety, Obstructions and Storm Water Management, and notification of the proposal shall be given to all affected adjacent government entities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Department of Natural Resources.

- 302 FLOOD PLAIN PROVISIONS. No use or development shall be allowed within a flood plain district, except in conformance with the following provisions and all other requirements of the Development Ordinance.
- 302.1 The following uses are prohibited within any FW floodway district: mobile homes, mobile home parks, hospitals, schools, group homes and personal care facilities, jails, prisons, and detention centers.
- 302.2 No structure or use shall be allowed in any flood plain district which produces or uses any hazardous material, or stores or maintains a supply of any hazardous material in an amount of fifty (50) gallons or more, or which uses, produces, or stores radioactive substances in any amount.
- 302.3 No use proposed in any flood plain district shall diminish the capacity of the floodway of any drainage system.
- 302.4 No new or substantially improved residential structure shall be allowed within any flood plain, unless its lowest floor is at least one (1) foot above the one hundred (100) year flood elevation.
- 302.5 No new or substantially improved non-residential structure shall be allowed within any flood plain, unless its lowest floor is at least one (1) foot above the one hundred (100) year flood elevation, or it is so designed and constructed that the space enclosed by such structure shall remain either completely or essentially dry up to that height in accordance with the standards contained in the flood-proofing regulation for that type of construction.
- 302.6 No obstructions such as fences, signs, or similar items shall be placed in any flood plain which might impede, retard, or change direction of the flow of water, or that will catch or collect water-borne debris, or that might be carried downstream by floodwaters to damage downstream property.
- 302.7. Where public utilities are not provided, the following provisions shall be met:
- A. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

B. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems, and discharges from the systems into flood waters, and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

302.8 No development shall be allowed in the FW floodway district, except where the effect of such development on flood heights is fully offset by accompanying improvements, which have been approved by all appropriate authorities.

302.9 No existing structure of use located in any floodway district shall be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

303 FLOOD PLAIN DESIGN AND CONSTRUCTION STANDARDS. The following standards shall apply to all development proposed in any floodplain.

303.1 Fill shall extend at least fifteen (15) feet laterally beyond all points of a building; shall be comprised only of soil or small rock materials, and shall not include organic waste; shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling; have a slope of no greater than fifty percent (50%); and not adversely affect adjacent properties.

303.2 Storm drainage facilities shall be provided to convey the flow of storm water runoff in a safe and efficient manner, which shall ensure proper drainage along streets and provide positive drainage away from the buildings. The system shall be designed to prevent the discharge of excess runoff onto adjacent properties.

303.3 Water and sanitary sewer facilities shall be comprised of all new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

303.4 Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters. No part of any on-site sewage system shall be located within any flood plain, except in strict compliance with all state and local regulations for such systems. If any such

system is allowed, it shall be located so as to avoid impairment or contamination during a flood.

- 303.5 All other utilities such as gas lines, electrical, and telephone systems shall be located in an elevated area where possible, and constructed to minimize the chance of hazard or impairment during a flood.
- 303.6 Streets shall have a finished elevation of not more than one (1) foot below the regulatory flood elevation.
- 303.7 Placement of buildings and structures shall be such as to offer the minimum obstruction to the flow of floodwaters and to have the minimum effect upon the flow and height of floodwater.
- 303.8 Anchoring of all buildings and structures shall be required in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. All ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored and affixed to prevent flotation.
- 303.9 Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
- 303.10 Plywood used at or below the regulatory flood elevation shall be of “marine” or “water resistant” quality.
- 303.11 Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water resistant and will withstand inundation.
- 303.12 Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water resistant material.
- 303.13 Paints or other finishes used at or the below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.
- 303.14 Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water resistant” quality.
- 303.15 Doors, trim, cabinets, and other wooden components shall be painted with a “marine” or “water resistant” finish.

- 303.16 Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  - 303.17 Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.
  - 303.18 All gas and oil supplies shall be designed to prevent the infiltration of flooded waters into the system, and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
  - 303.19 Floodway Allowed Uses. Floodway allowed uses shall comply with the following provisions:
    - A. The use shall have a low flood damage potential;
    - B. The use shall be allowed in the underlying zoning district; and
    - C. The use shall not obstruct flood flows or increase flood elevations, and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.
  - 303.20 Floodway Conditional Uses. Floodway conditional uses shall be limited to the uses listed in Table 501, and shall comply with the following standards:
    - A. All Uses. No structure, temporary or permanent, or fill, deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the one hundred (100) year or regional flood or cause an increase in flood damages in the reach or reaches affected.
  - 303.21 Accessory Structures. Accessory structures shall not be designed for human habitation; shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters; and whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow. Additionally, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- 304 WILD AND SCENIC RIVER DISTRICT PROVISIONS. Districts identified as being subject to the Wild and Scenic River provisions are established as the Wild and Scenic River District (WSR) with the following districts: T - Transition District; A -

Agricultural River District; R - Remote River District; and F - Forested River District. The river and class designation shall be as shown in the Technical Manual adopted as part of the Development Ordinance:

304.1 Allowed and Conditional Uses shall be as shown in Table 304.1. Table 304.1 - Allowed and Conditional Uses, Wild and Scenic River Districts

	<b>Allowed</b>	<b>Conditional</b>
All Districts	<ul style="list-style-type: none"> <li>▪ Government campgrounds</li> <li>▪ Public access, road access type with boat launching facilities</li> <li>▪ Public access, trail access type</li> <li>▪ Other governmental open space recreational uses</li> <li>▪ Agricultural uses</li> <li>▪ Single-family residential</li> <li>▪ Forestry</li> <li>▪ Essential services</li> <li>▪ Private roads and minor public streets</li> <li>▪ Signs approved by federal, state, or local government which are necessary for public health and safety; and signs indicating areas that are available or not available for public use</li> <li>▪ Government resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads</li> </ul>	<ul style="list-style-type: none"> <li>▪ Private campgrounds, subject to management plan specifications NR 2700</li> <li>▪ Private open space recreation</li> <li>▪ Underground mining that does not involve surface excavation in the land use district</li> <li>▪ Utility transmission lines and pipelines, subject to terms of NR 2700</li> <li>▪ Kennels without boarding, breeding, or sales (2006)</li> <li>▪ Home-based businesses meeting the following standards: <ul style="list-style-type: none"> <li>◆ Business is located on property that includes the primary residence of the business owner;</li> <li>◆ Business is conducted within the primary residence or residential accessory structure, and the residence and accessory structures were constructed prior to the effective date of this amendment;</li> <li>◆ Does not necessitate the creation of additional impervious surface for vehicular parking on the property;</li> <li>◆ Satisfies all other requirements in a conditional use permit issued by the local unit of government; and</li> <li>◆ Satisfies all other state and local requirements applicable to the type of business</li> </ul> </li> </ul>

Table 304.1 Allowed and Conditional Uses, Wild and Scenic River Districts (Continued)

	<b>Allowed</b>	<b>Conditional</b>
<b>By River Class</b>		
Remote Forested Transition Agricultural	<ul style="list-style-type: none"> <li>▪ Forest management</li> <li>▪ Sensitive resource management</li> <li>▪ Mining of metallic minerals and peat</li> <li>▪ Agricultural; cropland and pasture</li> <li>▪ Single residential</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Parks and historic sites</li> <li>▪ Extractive use</li> <li>▪ Duplex, triplex, quad residential</li> </ul>
Urban	<ul style="list-style-type: none"> <li>▪ Forest management</li> <li>▪ Sensitive resource management</li> <li>▪ Mining of metallic minerals and peat</li> <li>▪ Agricultural; cropland and pasture</li> <li>▪ Single residential</li> <li>▪ Duplex, triplex, quad residential</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Parks and historic sites</li> <li>▪ Extractive use</li> </ul>

Table 304.1 Allowed and Conditional Uses, Wild and Scenic River Districts (Continued)

	<b>Allowed</b>	<b>Conditional</b>
<b>By River Class</b>		
Tributary	<ul style="list-style-type: none"> <li>▪ Forest management</li> <li>▪ Sensitive resource management</li> <li>▪ Mining of metallic minerals and peat</li> <li>▪ Agricultural; cropland and pasture</li> <li>▪ Single residential</li> <li>▪ Semi-public</li> <li>▪ Parks and historic sites</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Extractive use</li> <li>▪ Duplex, triplex, quad residential</li> </ul>

In addition, the following standards shall apply in the Wild and Scenic River District.

- 304.2 Vegetative Cutting. Clear cutting, except as provided in, or for, any authorized public services such as roads and utilities, shall be prohibited. Selective cutting of trees in excess of four (4) inches in diameter at breast height shall be allowed, providing cutting is spaced in several cutting operations and a continuous tree cover is maintained. The removal of diseased, insect infested, rotten, or damaged trees, which may present safety hazards, is allowed.
- 304.3 Grading in the Wild and Scenic River District. Any grading and filling work done shall require a grading permit and shall comply with the following:
- A. Grading and filling of the natural topography, which is not accessory to an allowed or conditional use, shall not be allowed.
  - B. Grading and filling of the natural topography, which is accessory to an allowed or conditional use, shall require a grading and filling permit issued by the Zoning Administrator.
  - C. Grading and filling of the natural topography, which is accessory to an allowed or conditional use, shall be performed in a manner which minimizes earth moving, erosion, tree clearing, and destruction of natural amenities.
  - D. Grading and filling of the natural topography shall also meet the following standards: The smallest amount of bare ground is exposed for as short a time as feasible; temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted; methods to prevent erosion and to trap sediment are applied.
- 304.4 Remote, forested and transition districts are established in the Wild and Scenic River District; the following standards apply:

Table 304.4 Wild and Scenic River District Yard and Area Requirements

District	Wild	Scenic	Recreational
Minimum Lot Area	Six (6) acres	Four (4) acres	Two (2) acres
Minimum Lot Width	Three hundred (300) feet	Two hundred fifty (250) feet	Two hundred fifty (250) feet
Building Setback	Two hundred (200) feet	One hundred fifty (150) feet	Two hundred (200) feet
Sewage System Setback	One hundred fifty (150) feet	One hundred fifty (150) feet	Seventy five (75) feet

305 SHORELAND DISTRICTS. Shoreland districts identified as being subject to the Shoreland provisions are established as the Shoreland Protection District (S-1), the Shoreland High-density District (S-2), and the Shoreland Residential Subdivision (S-3). Shoreland district provisions are set forth in Table 501; in addition, the following provisions shall apply within any district designated as shoreland.

Table 305 Shoreland District Area Requirements, in square feet

District	S-1 Shoreland Protection	S-2 Shoreland High Density	S-3 Shoreland Residential Subdivision
Minimum Lot Area  Non-Sewered	Eighty thousand (80,000)	<ul style="list-style-type: none"> <li>▪ Single lot; twenty thousand (20,000) riparian</li> <li>▪ Forty thousand (40,000) non-riparian</li> <li>▪ Duplex lot; Forty thousand (40,000) riparian</li> <li>▪ Eighty thousand (80,000) non-riparian</li> <li>▪ Triplex lot; Sixty thousand (60,000) riparian</li> <li>▪ One hundred twenty thousand (120,000) non-riparian</li> <li>▪ Quad lot; Eighty thousand (80,000) riparian</li> <li>▪ One hundred sixty thousand (160,000) non-riparian</li> </ul>	<ul style="list-style-type: none"> <li>▪ Single lot; Twenty thousand (20,000) riparian</li> <li>▪ Forty thousand (40,000) non-riparian</li> <li>▪ Duplex lot; Forty thousand (40,000) riparian</li> <li>▪ Eighty thousand (80,000) non-riparian</li> <li>▪ Triplex lot; Sixty thousand (60,000) riparian</li> <li>▪ One hundred twenty (120,000) non-riparian</li> <li>▪ Quad lot; Eighty thousand (80,000) riparian</li> <li>▪ One hundred sixty thousand (160,000) non-riparian</li> </ul>

District	S-1, Shoreland Protection	S-2, Shoreland High Density	S-3, Shoreland Residential Subdivision
Minimum Lot Area  Sewered	Forty (40,000)	<ul style="list-style-type: none"> <li>▪ Single lot; Fifteen thousand (15,000) riparian</li> <li>▪ Ten thousand (10,000) non-riparian</li> <li>▪ Duplex lot; Twenty-six thousand (26,000) riparian</li> <li>▪ Seventeen thousand five hundred (17,500 ) non-riparian</li> <li>▪ Triplex lot; Thirty-eight thousand (38,000) riparian</li> <li>▪ Twenty-five thousand (25,000) non-riparian</li> <li>▪ Quad lot; Eighty thousand (80,000) riparian</li> <li>▪ One hundred sixty thousand (160,000) non-riparian</li> </ul>	<ul style="list-style-type: none"> <li>▪ Single lot; fifteen thousand (15,000 ) riparian</li> <li>▪ Ten thousand (10,000) non-riparian</li> <li>▪ Duplex lot; Twenty-six thousand (26,000) riparian</li> <li>▪ Seventeen thousand five hundred (17,500) non-riparian</li> <li>▪ Triplex lot; Thirty-eight thousand (38,000) riparian</li> <li>▪ Twenty-five thousand (25,000) non-riparian</li> <li>▪ Quad lot; Eighty thousand (80,000) riparian</li> <li>▪ One hundred sixty thousand (160,000) non-riparian</li> </ul>

305.1 Shoreland classification system and land use districts shall be established by the County Board in accordance with Minnesota Rule 6120, or successor rules, and as set forth in the Technical Administrative manual attached hereto and as incorporated herein by reference.

305.2 General Considerations and Criteria for All Shoreland Land Uses

A. When an interpretation question arises about whether a specific land use fits within a given “use” category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district’s boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the County Board.

B. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, the individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The County Board will direct the Zoning Administrator to provide such additional information for the affected water body as is necessary.

- 305.3 Guest Cottages. One (1) guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions, if the following standards are met:
- A. The guest cottage must be located within the smallest duplex-sized lot that could be created, including the principal dwelling unit;
  - B. A guest cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height; and
  - C. A guest cottage must be located or designed to reduce its visibility, as viewed from public waters and adjacent shorelands, by vegetation, topography, increased setbacks, or color.
- 305.4 Controlled Access Lots. Lots intended as controlled accesses to public waters, or as recreation areas for use by owners of non-riparian lots within subdivisions, are permissible and must meet or exceed the following standards:
- A. Lots must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
  - B. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with Shoreland district area requirements, as shown in Table 305.
  - C. Lots must be jointly owned by all purchasers of lots in the subdivision, or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
  - D. Covenants or other equally effective legal instruments must specify which lot owners have authority to use the access lot and what activities are allowed.
- 305.5 Placement. When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Structure setbacks shall be as noted in previous sections.
- 305.6 On-site sewage system setbacks (in feet) from ordinary high water level are shown in the following table.

Table 305.6 On-site Sewage Treatment System Setbacks

<b>Class of Public Water</b>	<b>Setback</b>
<b>Lakes</b>	
Natural Environment	One hundred fifty (150) feet
Recreational Development	Seventy five (75) feet
General Development	Fifty (50) feet
<b>Rivers</b>	
Remote	One hundred fifty (150) feet
Forested and Transition	One hundred (100) feet
Agricultural, Urban, and Tributary	Seventy five (75) feet

- A. One (1) water-oriented accessory structure designed in accordance with these provisions may be set back a minimum distance of ten (10) feet from the ordinary high water level.
- B. Structures shall also be set back thirty (30) feet from any bluff and fifty (50) feet from any unplatted cemetery, regardless of the classification of the water body.

305.7 Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

305.8 Uses without Water-Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage. If located on lots or parcels with public waters frontage, uses must either be set back double the normal ordinary high water level setback, or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

305.9 Design Criteria for Structures

A. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed, must be determined as follows:

- 1) For lakes: by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher.
- 2) For rivers and streams: by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not

available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation.

305.10 Water-Oriented Accessory Structures. Each lot may have one (1) water-oriented accessory structure not meeting the normal structure setback, if this water-oriented accessory structure complies with the following provisions:

- A. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point;
- B. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
- C. The structure or facility must be treated to reduce visibility, as viewed from public waters and adjacent shorelands, by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- D. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- E. The structure or facility must not be designed or used for human habitation, and must not contain water supply or sewage treatment facilities; and
- F. As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet, provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

305.11 Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- A. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

- B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
  - C. Canopies or roofs are not allowed on stairways, lifts, or landings;
  - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
  - E. Whenever practical, stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions; and
  - F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that they comply with all standards of the Development Ordinance, in addition to the requirements of Minnesota Rules Chapter 1340, or successor rules.
- 305.12 Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the value of the site, unless adequate information about the site has been removed and documented in a public repository.
- 305.13 Steep Slopes in Shoreland Districts. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- 305.14 Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Shoreland alterations shall comply with standards set forth in the Technical Appendix to the Development Ordinance.
- 305.15 Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland provisions. Permission for excavations may be given only after the Commissioner of the Department

of Natural Resources has approved the proposed connection to public waters.

305.16 Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with all technical requirements.

- A. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- B. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones, provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of the Development Ordinance must be met.

305.17 Storm water Management. The following general and specific standards shall apply:

- A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration, rather than buried pipes and man-made materials and facilities.

D. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

305.18 Animal Feedlots. Animal feedlots must meet the following standards:

- A. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of three hundred (300) feet from the ordinary high water level of all public waters basins; and
- B. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones

305.19 Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

305.20 Extractive Use Standards: Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

305.21 Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

305.22 Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes Chapter 93.44 to 93.51, or successor statutes, and whose standards are satisfied.

305.23 Conditional Uses. Conditional uses shall be allowed as set forth in Table 501. In addition, the following additional evaluation criteria and conditions apply within shoreland districts:

- A. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- B. The visibility of structures and other facilities as viewed from public waters is limited;
- C. The site is adequate for water supply and on-site sewage treatment; and
- D. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate the watercraft.

The County Board, upon consideration of the criteria listed above, the recommendation of the Planning Commission, and the development objectives of the Development Ordinance, shall attach such conditions to the issuance of conditional uses, as it deems necessary to fulfill the purposes of the Development Ordinance. Such conditions may include, but are not limited to, the following: increased setbacks from the ordinary high water level; and limitations on the natural vegetation to be removed, or the requirement that additional vegetation be planted.

305.24 Water Supply and Sewage Treatment. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- A. Publicly-owned sewer systems must be used where available.
- B. All private sewage treatment systems must meet or exceed the standards in Minnesota Rules 7080-7083, or successor rules.
- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks of the Development Ordinance.

D. All proposed sites for Individual Sewage Treatment Systems shall be evaluated in accordance with the criteria below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

1) Evaluation criteria: depth to the highest known or calculated ground water table or bedrock; soil conditions, properties, and permeability; slope; and the existence of lowlands, local surface depressions, and rock outcrops.

A. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Minnesota Rules 7080-7083 and the Development Ordinance.

306 Public Lands. All state and federal public lands within Mille Lacs County shall be designated as such on the zoning maps. Allowed uses within this district shall be as allowed by state and federal government.

307 Aggregate Resources Overlay District. An aggregate resources overlay district is established as part of the official zoning map for Mille Lacs County. Mining and mineral extraction is an allowed use within that district, provided it complies with the requirements set forth in Section 504.22 of the Development Ordinance. Any mining or extraction, which occurs in a shoreland or wetland district, must comply with all state regulations for that area.

## ARTICLE FOUR: LAND DEVELOPMENT STANDARDS

- 401 COMPLIANCE REQUIRED. All multi-family, commercial, or industrial development shall conform to the standards in this article; the application procedures required by Article Ten of the Development Ordinance; and the review procedures required by Article Eleven of the Development Ordinance.
- 402 PERFORMANCE STANDARDS. All commercial or industrial land uses shall comply with the requirements of this section.
- 402.1 Electrical Disturbance. No activity shall cause electrical disturbance, which affects radio or other equipment in the vicinity.
- 402.2 Noise. Noise, due to volume, frequency, or beat, shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- 402.3 Vibrations. Vibrations, which are detectable on neighboring property in any district, without the use of instruments, shall be prohibited.
- 402.4 Odors. No malodorous gas or matter shall be allowed which is discernable on any adjoining lot or property. Agricultural uses are exempt from this requirement.
- 402.5 Air Pollution. No pollution of air by fly ash, dust, smoke, vapors, or other substance, which is harmful to health, animals, vegetation, or other property, shall be allowed.
- 402.6 Directed Lighting. Lighting devices that produce direct or reflected glare on adjoining properties or thoroughfares shall not be allowed. All lighting shall be directed downward to minimize this effect. Any lighting used to illuminate an off-street parking lot shall be arranged to reflect light away from adjoining premises in any agricultural-residential or agricultural district.
- 402.7 Water Pollution. No water pollution, as defined by the standards established by the State of Minnesota and the federal government, shall be allowed.
- 402.8 Hazardous Waste. Any person, partnership, or corporation proposing to dump wastes or hazardous materials on any land within the County shall comply with all applicable federal and state regulations pertaining to hazardous wastes.

- 402.9 Outdoor Storage. Outdoor storage of garbage, rubbish, trash, refuse, or junk is prohibited in every district, unless stored in compliance with Section 403.
- 403 STORAGE AND WASTE HANDLING. Any article or material stored outside an enclosed building as an accessory use for the commercial or industrial use shall be screened by opaque ornamental fencing, walls, or landscaped planting.
- 403.1 Waste Handling. All rubbish shall be stored in air-tight, vermin-proof, easily cleanable, damage-resistant containers on the same lot as the principal use, with sufficient capacity for storing the maximum volume of garbage, rubbish, and other waste material which may be generated on the site.
- 404 ACCESS. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles, shall be adequate in size and arranged so that they may be used without blockage or interference with the use of public streets or rights-of-way.
- 405 STORMWATER MANAGEMENT. Adequate stormwater retention facilities shall be provided in compliance with National Pollution Discharge Elimination Standards (NPDES).
- 406 GRADING. The following shall be minimum standards for the issuance of a grading permit.
- 406.1 No grading, excavation, or fill shall be performed so close to any property line as to endanger or damage any adjoining street, or any other public or private property, without supporting such property from settling, cracking, erosion, sedimentation, flooding, or any other physical damage or personal injury which might occur.
- 406.2 Existing storm drainage shall not be diverted so as to alter the location of watercourses on any adjacent property.
- 406.3 No debris or other material shall be placed or allowed to be placed in any drainage ditch or structure in such a manner as to obstruct the free flow of surface water.
- 406.4 Immediately upon completion of grading, all areas not designated for building or paving shall be mulched and planted. Planting shall be appropriate to maintain slopes from erosion.

407 OFF-STREET PARKING. Off-street parking spaces shall be provided in accordance with the specifications of this section whenever any new use is established, or existing use is enlarged.

Table 407 Off-Street Parking Requirements

Use	Parking Requirement
Residential Unit	One (1) parking space per dwelling unit
Hotel, Motel, Resort, or Bed and Breakfast	One (1) parking space per room, and one (1) space per non-resident employee
Multi-family Dwelling used as housing for the elderly	One (1) parking space for each two (2) dwelling units
Theater, Stadium, Auditorium, Religious Institution, and places of public assembly	One (1) parking space for each five (5) seats, based on maximum seating capacity, and one (1) parking space for each employee
Commercial Retail Sales	One (1) parking space for each two hundred (200) square feet of floor area, excluding storage area
Commercial Services	One (1) parking space for each two hundred fifty (250) square feet of total floor area
Professional Offices	One (1) parking space for each four hundred (400) square feet of office floor area
Industrial, Manufacturing, or Wholesale Establishments	One (1) parking space for each three (3) workers, based on peak employment
Restaurants, Supper Clubs, Taverns, and Bars	One (1) parking space for each five (5) seats, based on maximum seating capacity
Campgrounds	Two (2) parking spaces for each unit one (1) for vehicle and one (1) for trailer)
Off-street Parking Areas	Whether public or private, whenever more than five (5) vehicles are parked in an off-street parking lot within view of any residential district, the lot must be screened from residential view with landscaping or planting
Any use not elsewhere specified	One (1) parking space for each ten thousand (10,000) square feet

407.1 Alternate Parking. The Zoning Administrator may administratively approve alternate design standards for off-street parking in response to unusual conditions, such as a clearly documented difference between expected parking load and required parking spaces; provided any reduction in the number of required spaces granted shall be off-set by a reserved area for installation of additional parking spaces if the use or parking needs change in the future.

407.2 Every off-street parking space shall have a rectangular area of not less than nine (9) feet by twenty (20) feet. If parking spaces are indicated by lines

other than ninety (90) degrees, then traffic lanes shall be restricted to one-way, allowing head-in parking only.

- 407.3 Every off-street parking lot shall be graded for proper drainage and improved.
- 407.4 Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any residential or agricultural district.
- 407.5 When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one (1) parking space.
- 407.6 Off-street parking spaces shall be located on the same development lot of the principal use, or on an adjacent lot in the same development district, except that spaces for religious institutions and public places of assembly may be located on a different lot within four hundred (400) feet of the principal use, after site plan approval.
- 407.7 Pervious pavers may be substituted for any paved parking area if they are approved by the Zoning Administrator.

408 OFF-STREET LOADING. One (1) off-street berth of not less than fifty (50) feet by ten (10) feet shall be provided in accordance with the table below. Access and space to maneuver shall be sufficient so that trucks do not need to back onto any public street or across any public sidewalk.

Table 408 Off-Street Loading Berth Requirements

Off-Street Loading Berth	Floor Area
One (1) Berth	Two thousand five hundred (2,500) square feet to twenty (20,000) square feet
One (1) Berth	Each additional twenty (20,000) square feet

409 SIGNS. All signs shall comply with the following provisions.

- 409.1 Non-conforming Signs. Existing signs which do not conform to the specific provisions of this subdivision may be eligible for the designation "legal non-conforming" provided that:
  - A. The Zoning Administrator determines that such signs are properly maintained and do not endanger the public.

- B. The sign was authorized by a valid certificate or variance or complied with all applicable laws prior to the date of adoption of the Development Ordinance from which this subdivision is derived.
  - C. A legal non-conforming sign shall lose this designation if the sign is relocated, replaced, altered, or damaged by more than fifty percent (50%), other than for change of copy or normal maintenance, provided the change of copy or normal maintenance does not affect the structural integrity of the sign.
  - D. Except as otherwise specified in this section, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered, with the exception of face maintenance and modifications, until a certificate has been issued by the Zoning Administrator. No certificate shall be issued for a sign that does not conform in size, type, number, location, and use as regulated for each zoning district.
- 409.2 Billboards shall be allowed in commercial and industrial districts only as a conditional use and shall comply with the provisions of Minnesota Statutes 173 or successor statutes.
- A. Billboards shall not exceed six hundred (600) square feet of surface area per face, excluding supports and trim.
  - B. Each sign structure shall not contain more than two (2) signs per face, and not more than four (4) signs per structure.
  - C. Billboards shall only be erected along federal and state highways in commercial and industrial districts.
  - D. Billboards shall not project over thirty five (35) feet above ground level.
  - E. No billboard may be placed within a radius of five hundred (500) feet of an existing advertising sign.
  - F. All external light sources shall be diffused and must be directed toward the sign.
  - G. LED billboards are permitted.
- 409.3 Freestanding signs shall meet the following setbacks from the side and rear lot lines: they shall be set back ten (10) feet from the road right-of-way or prescriptive road easement.

409.4 Exempt Signs. The following signs are exempt from sign regulations and expressly allowed in all zoning districts:

- A. Signs on the rolling stock of common carriers that are Department of Transportation compliant, including signs on semi-trailers and vans.
- B. Official traffic control signs.
- C. Signs of a governmental unit or development.
- D. Temporary signs advertising auction sales, carnivals, fairs, and similar uses, provided these signs are removed within ten (10) days after the event.
- E. A temporary sign indicating real estate for rent or for sale, relating to the premises only on which it is located and not exceeding thirty-two (32) square feet.
- F. Signs bearing only property numbers, post box numbers, names of occupants or other identification of premises, not having commercial connotations.
- G. Identification signs naming contractors of development projects, or seeds used by farmers.
- H. On-premise directional/informational signs having a sign area of four (4) feet or less.
- I. Holiday decorations.
- J. Political signs.
- K. Garage sale signs, or signs for roadside stands as allowed by Article Two of the Development Ordinance.

409.5 Prohibited Signs. The following signs are prohibited in all districts:

- A. Abandoned signs which no longer identify or advertise a bona fide business, service, product, or activity; or for which no legal owner can be found.
- B. Signs imitating or resembling official government signs or signals.
- C. Signs attached to utility poles, public benches, or streetlights; or placed on any public property or public right-of-way.

- D. Signs placed on vehicles or trailers which are parked or placed for the primary purpose of displaying the sign, except for portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
- E. Any sign placed within three hundred (300) feet of any intersection that may obstruct motorist or pedestrian visibility.
- F. Any sign utilizing flashing or revolving beacon lights.
- G. Any sign, which hides from view or interferes to any degree with the effectiveness of any traffic control device, sign, or signal.
- H. Any sign which prominently displays the words “stop” or “danger,” except for signs which warn of actual physical danger.
- I. Any sign which extends more than fifty (50) above the ground.
- J. Any sign on private land without a signed agreement from the owner of that land.

**409.6 Signs Allowed by District: For Highway Businesses, Conditional Uses, or Uses in Commercial or Industrial Districts.**

Table 409.6 Signs allowed by District, Maximum Square Footage

<b>Type of Use</b>	<b>Freestanding</b>	<b>Wall</b>
Government or Institutional Use	Thirty-two (32) square feet	Wall signs may cover up to fifty percent (50%) of wall surface visible from the road
Home-Based Business	Maximum size of thirty-two (32) square feet, as either freestanding or wall sign, or both	Maximum size of thirty-two (32) square feet, as either freestanding or wall sign, or both
Commercial or Industrial Use	Two (2) square feet per lineal foot of right-of-way frontage up to a total maximum of three hundred (300) square feet. Up to two (2) signs per site	Wall signs may cover up to fifty percent (50%) of wall surface visible from the road

- A. Lineal footage for wall signage is to be measured at grade of the wall to which the sign is to be affixed. Wall signs are limited to the walls, which directly face a public street or a General Development Lake if allowed, and their areas shall not be cumulative.
- B. Signs placed on the roof shall not extend more than ten (10) feet above the highest point of the roof, provided that they do not extend more than fifty (50) feet above the ground.
- C. LED signs are permitted as accessory to commercial or industrial signage.

**409.7 Off-Premises Directional Signs.** Six (6) signs, each no more than thirty-two (32) square feet in size, directing traffic to a local commercial or industrial use on private land may be located at or near the intersection of public streets, provided that:

- A. The sign complies with Minnesota Department of Transportation (MNDOT) regulations, or the sign is placed on private land with the signed agreement of the landowner.
- B. Except for a MNDOT approved sign, the sign shall be set back ten (10) feet from the public right-of-way in such a manner that it does not obstruct the safety and flow of traffic, or otherwise constitute a hazard to traffic.

C. The Planning Commission may authorize an additional off-premises directional sign if exceptional circumstances warrant it, and if the sign complies with all other requirements of the Development Ordinance.

410 MOBILE HOMES OUTSIDE OF MOBILE HOME PARKS. Individual mobile homes shall be considered as single-family dwellings and shall be allowed to locate outside of mobile home parks, provided that the following requirements are met:

- 410.1 The mobile home site complies with the respective land use regulations for the district, and contains suitable water supply and approved septic system for the private use of one single-family dwelling.
- 410.2 The mobile home has a floor space of not less than seven hundred fifty (750) square feet, excluding basements, garages, and carports.
- 410.3 The mobile home shall comply with all the structure setbacks of the district in which it is located.
- 410.4 The mobile home shall be installed in conformance with the Minnesota Rules 1350, or successor rules.
- 410.5 Skirting shall be installed on all mobile homes within ninety (90) days of placement; otherwise the Certificate shall expire.

## ARTICLE FIVE: LAND USE

- 501 DISTRICTS. The County is divided into districts as shown by the district boundaries on the district map, and as stated in Section 304 and Table 501.
- 502 MAP. A map entitled “Mille Lacs County Zoning Map” is hereby adopted as a part of the Development Ordinance. The district map shall be kept on file for examination in the Land Services Office of Mille Lacs County. The attached material shall include the Flood Insurance Study Mille Lacs County, Minnesota and Incorporated Areas, the Flood Insurance Rate Map Index for Mille Lacs County, Minnesota and Incorporated Areas with map numbers of 27095CIND1A and 27095CIND2A, and all Flood Insurance Rate Map panels indicated on the Flood Insurance Rate Map Index for Mille Lacs County, Minnesota; all of the aforementioned documents dated March 4, 2013 and prepared by the Federal Emergency Management Agency.
- 503 DISTRICT BOUNDARIES. District boundaries shown on the district map, which follow the lines of roads, streams, and transportation rights-of-way, shall be deemed to follow their centerlines. Neither the vacation of roads nor the change of stream beds shall affect the location of such district boundaries. When the Zoning Administrator cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the district map, or by the fact that it clearly coincides with a property line, she/he shall refuse action, and the Board of Adjustment, upon appeal, shall interpret the location of the district boundary, with a reference to the scale of the district map and the purposes set forth in all relevant provisions of the Development Ordinance.
- 504 ALLOWED USES. Allowed uses for each district are shown on Table 501. Uses not specifically listed as allowed uses in a district shall be prohibited in that district. All uses shall comply with all applicable state and federal regulations, and shall meet the front, side, and rear setbacks for the district in which the use is located. Additional standards for approval that apply to the allowed uses are specified below. If the additional standards cannot be met, the allowed use may be reviewed and permitted as a conditional use.
- 504.1 Accessory Structure on a Shoreland Lot without a Dwelling. An accessory structure on a shoreland lot without a dwelling is allowed, provided that the following requirements are met:
- A. The structure is for residential storage use only.
  - B. Any external lighting shall be directed downward.
  - C. The structure shall not be used as a dwelling.

504.2 Agricultural Animal Units on Sites Less than Ten (10) Acres. Agricultural animals are allowed, providing the following requirements are met. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds as regulated by Minnesota Rules 7020, or successor rules. For purposes of these regulations, the following equivalents apply, based on one (1) animal of each category:

Table 504.2 Animal Units: One Animal Unit per Acre

<b>Animal Type</b>	<b>Animal Unit</b>
Dairy Cow, > 1,000 pounds	1.4
Dairy Cow, < 1,000 pounds	1.0
Dairy Heifer	0.7
Dairy Calf	0.2
Beef Slaughter/Stock Cow	1.0
Beef Feeder Cow	0.7
Beef Cow/Calf Pair	1.2
Beef Calf	0.2
Alpaca or Llama	To Be Added
Swine, > 300 pounds	0.4
Swine, 55 to 300 pounds	0.3
Swine, < 55 pounds	0.05
Horse	1.0
Sheep	0.1
Goat	To Be Added
Chicken. Laying Hen or Broiler in a facility with a liquid manure system	0.033
Chicken, > 5 pounds in a facility with a dry manure system	0.005
Chicken, < 5 pounds in a facility with a dry manure system	0.003
Turkey, > 5 pounds	0.018
Turkey, < 5 pounds	0.005
Duck	0.01

A. Any parcel containing more than five (5) animal units of swine or poultry shall provide enclosed quarters, appropriate for agricultural use, with associated fenced yard at a minimum setback of at least fifty (50) feet from the property line.

504.3 Animal Feedlots. Animal feedlots shall comply with the standards set forth in Minnesota Rules 7020, or successor rules, and shall meet the following additional setbacks:

Table 504.3 Animal Feedlot Setbacks

	<b>50-299 animal units Tier 1</b>	<b>300-650 animal units Tier II</b>	<b>651-999 animal units Tier III</b>	<b>1000-1500 animal units Tier IV</b>
Non-Feedlot Residence	Three hundred thirty (330) feet	Four hundred forty (440) feet	Six hundred sixty (660) feet	One thousand three hundred twenty (1320 feet)
Right-of-Way	One hundred (100) feet			
Incorporated City >500 Population	One thousand three hundred twenty (1320) feet	One thousand three hundred twenty (1320) feet	One thousand three hundred twenty (1320) feet	Two thousand six hundred forty (2640) feet
Lake	One thousand (1000) feet			
Protected Water	Three hundred (300) feet	Three hundred (300) feet	One thousand (1000) feet	One thousand (1000) feet
Existing Feedlot	Two hundred (200) feet			
Property Line	Forty (40) acres	Eighty (80) acres	One hundred twenty (120) acres	One hundred sixty (160) acres

504.4 Aquaculture. Aquaculture is allowed as a form of agriculture; however, aquaculture uses shall comply with the operation requirements of Minnesota Statutes 17.46 to 17.4999, or successor statutes; shall be licensed by the State as required by Minnesota Rules 7050, or successor rules; and may be required, based on staff investigation and review, to include wastewater treatment or be a closed loop system with no discharge.

504.5 Bed and Breakfast. A bed and breakfast is an allowed use, provided that the following requirements are met:

- A. The use is part of an operator-occupied residential dwelling.
- B. The exterior appearance of the structure is not altered from its residential character.
- C. The site provides on-site parking sufficient to accommodate the occupants of the dwelling and guests. On-site parking shall be on an improved surface (gravel, asphalt, or concrete). Public streets may not be used for parking by guests. Parking shall be set back a minimum of five (5) feet from the property line.

- 504.6 Biofuel Processing, Distillation, or Refining. Biofuel processing uses are an allowed use, except in a floodplain, provided that the following requirements are met:
- A. The site is served by a minor arterial or higher functional class of roadway.
  - B. The site is served by adequate wastewater and drinking water facilities.
  - C. An environmental management plan, including a water and sewer management plan which addresses the use of water and the sewer treatment; and a storm water and drainage plan are submitted which addresses the impact of the facility on the environment.
  - D. A material management plan is submitted to address storage, handling, use, and potential hazards associated with hazardous materials.
  - E. Operations during overnight hours shall minimize noise, glare, and odor impacts on adjacent residential uses.
  - F. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.
- 504.7 Campgrounds. Campgrounds, as defined by the Development Ordinance, are an allowed use, provided that the following requirements are met:
- A. Sewage treatment is provided in compliance with Minnesota Rules 7080-7083, or successor rules.
  - B. Tents, recreational vehicles, or fish houses shall be set back ten (10) feet from the property line.
  - C. Proper solid waste disposal shall be provided on-site.
  - D. In shoreland districts, campgrounds shall not exceed twenty-five (25) percent impervious surface coverage.
  - E. If applicable, the campground owner or operator shall obtain and maintain a Minnesota Department of Health License.
- 504.8 Cemetery. A cemetery is an allowed use, except below the regulatory flood plain elevation, provided that the following requirements are met:

- A. Grave sites and structures used for burial or entombment are set back fifty (50) feet from wells or surface water bodies, including private and public ditches.
- B. Cemeteries must comply with Minnesota Statutes 306 and 307, or successor statutes, regulating the operation of public and private cemeteries respectively, as applicable.

504.9 Communication Tower. A communication tower is an allowed use, provided that the following requirements are met:

- A. The parcel or leased area shall be large enough to accommodate the tower in its collapsed state.
- B. The tower, support structures, and guy wires shall be completely located outside of easements and the road right-of-way.
- C. The tower shall be designed for co-location purposes. Co-location shall be the first option pursued by companies desiring to locate facilities in the County.
- D. Height restrictions do not apply to communication towers; however, all tower construction shall meet federal and state regulations, including those of the Federal Aviation Administration.
- E. Each tower site shall have security fencing or other barrier to prevent access to, and climbing of, the tower by unauthorized persons.

504.10 Craft Retreat or Vacation Rental Home. Vacation rental homes renting for thirty (30) consecutive days or less (except those located within planned unit developments whose legal documents regulate unit rentals) shall be allowed, provided that the following requirements are met:

- A. The owner shall provide a visual demarcation of the property lines as needed to prevent trespass on adjacent properties.
- B. The site shall provide on-site parking sufficient to accommodate the occupants of the vacation rental home. On-site parking shall be on an improved surface (gravel, asphalt, or concrete). Public streets may not be used for parking by guests. Parking shall be set back a minimum of five (5) feet from the property line. Existing parking areas that are closer to the property line may remain until replaced by the property owner/operator.

- C. The owner/operator shall post the rules and regulations, as well as the emergency contact person/phone number within the unit. The name and telephone number of the septic system pumper shall also be posted; the rental agreement shall give the renters authority to contact the pumper if the owner or emergency contact person has not called within four (4) hours of the alarm sounding. The owner shall ensure that the County has the emergency contact person/phone number and septic system pumper.
- D. The owner/operator shall obtain and maintain a Minnesota Department of Health license. If no such license is required, the owner/operator shall provide written confirmation of that fact to the Land Services Office. Operation shall not commence until said license has been provided to the County. Copies of license renewals shall be provided to the County.

504.11 Day Care Center. A day care center is an allowed use, provided that the following requirements are met:

- A. The owner has obtained the appropriate County license.
- B. The building, parking, and play areas shall be screened from adjacent residential uses with landscaping, fencing, or a combination of both.

504.12 Second Dwelling. A second dwelling on a single lot shall be an allowed use, provided that the following requirements are met:

- A. The dwelling is occupied by a family member, or domestic or farm employee.
- B. Sewage treatment is provided in compliance with Minnesota Rules 7080-7083, or successor rules.
- C. A second dwelling shall not be used as a rental dwelling, except as identified in A.

504.13 Drive-through Restaurants. Drive-through restaurants are an allowed use, provided that the following requirements are met:

- A. The use shall be adequately screened from an abutting residential district by the use of a fence, landscaping, or a combination of both.
- B. The parking area shall be an improved surface (gravel, asphalt, or concrete) and show the arrangement of entrances, exits, and parking stalls.

- C. The site shall accommodate a car stacking distance of at least six (6) cars without infringing on local streets.
- D. The speaker system, if provided, shall not be audible from any residential parcel.

504.14 Fences: Fences are an allowed use or structure in all districts, provided the following requirements are met:

- A. The fence is less than six (6) feet in height. Fences greater than six (6) feet in height require a building permit, and the fence shall be designed to handle snow loads. Fences shall be maintained so as not to become unsightly or hazardous.
- B. Fences may be placed along property lines, provided no damage of any kind results to abutting properties and the fence can be maintained by the fence owner. The best part of the fence shall face the abutting properties.
- C. In the agricultural-residential district, fences may not exceed six (6) feet in height. From the front setback line to the road easement or right-of-way line, the fence may not exceed forty-two (42) inches in height. Fences shall be placed outside the road right-of-way, or no closer than twenty (20) feet from the edge of the traveled surface, whichever is greater.
- D. In shoreland districts, fences may not exceed six (6) feet in height, except that from the ordinary high water mark to the seventy-five (75) foot setback, and from the front setback to the right-of-way, they may not exceed forty-two (42) inches. Fences shall be placed outside the road right-of-way, or no closer than twenty (20) feet from the edge of the traveled surface, whichever is greater. Fences used for screening of pools, tennis courts, and similar uses shall meet setback requirements.
- E. In the commercial and industrial districts, fences may be seven (7) feet in height. A building permit is required.
- F. In the agricultural-residential, and shoreland districts, barbed wire is permitted for agricultural use fencing only.

504.15 Fish House Storage. Fish house storage is an allowed use, provided that the following requirements are met:

- A. Fish house storage areas shall be limited to the storage of fish houses in the off-season, and may not be used for camping.
- B. Fish houses shall be set back seventy-five (75) feet from the ordinary high water level of lakes.
- C. Fish houses shall be placed outside of road rights-of-way, and shall be placed no closer than ten (10) feet from the edge of the surface of the roadway.
- D. Fish houses shall be no closer than ten (10) feet to the lot line of an abutting residential property.
- E. The storage site shall be accessible by emergency vehicles.
- F. The site shall provide means for proper sewage and solid waste disposal for customers conducting maintenance activities on stored fish houses.

504.16 Gas Station/ Convenience Stores. A gas station with or without an accessory convenience store is an allowed use, provided the following requirements are met:

- A. Canopies and pump islands may be located in the required front or side yard, however the edge of the canopy shall meet the freestanding sign setback for the zoning district.
- B. A minimum landscape buffer of twenty-five (25) feet in width shall be planted and maintained along all public roads.
- C. The storage of salvage vehicles is prohibited.
- D. Any storage of hazardous materials shall comply with all applicable federal and state regulations.
- E. An unobstructed view into the site from the adjacent roadway(s) shall be maintained at all times for public safety purposes.

504.17 Golf Courses. A golf course shall be an allowed use, provided it meets the following requirements:

- A. Storage of pesticides and fertilizers shall comply with all applicable federal and state regulations.

- B. Accessory uses shall be limited to driving ranges, putting greens, pro shop, a club house and locker facility, maintenance buildings, course shelters, and cart storage facilities.
- C. A caretaker residence accessed via the golf course entry road may be allowed. The residence shall be used strictly for the caretaker and his or her family members.

504.18 Greenhouses and Nurseries; A greenhouse or nursery shall be an allowed use, provided it meets the following requirements:

- A. Retail sales shall be allowed and considered accessory to the principal nursery, greenhouse, or tree farm.
- B. No sale of products shall occur within the public road right-of-way.
- C. All structures shall meet the minimum setback requirements of the zoning district; except for temporary roadside stands, which shall be set back a minimum of twenty (20) feet from the road right-of-way or easement.
- D. Any exterior storage of equipment and materials shall be screened from adjacent residential uses and public rights-of-way.
- E. Special events and temporary signs related to the special use are allowed.

504.19 Home Occupation. A home occupation may include professional offices, mail order sales, day care centers, teaching, gun repair, beauty salons, or similar uses and shall be an allowed use, provided that the following requirements are met:

- A. With the exception of day care centers, the home occupation is conducted entirely within the dwelling or its attached garage.
- B. There shall be no modifications to the dwelling not normally found in residential construction.
- C. With the exception of day care centers, there shall be no outdoor storage of equipment or materials.
- D. The business does not include auto repair, or the use of hazardous materials.

E. For day care centers and beauty salons, the operator shall provide proof that the septic system is designed for the use by the public.

504.20 Home School Cooperative. A home school cooperative is an allowed use, provided that the following requirements are met:

A. The maximum number of pupils served is seventy five (75).

B. Parking and access is provided to ensure that no adverse impacts occur for neighboring residential uses or public rights-of-way.

504.21 Mini-Storage Facility. Mini-storage facilities are an allowed use, provided the following requirements are met:

A. No storage unit shall be used as a dwelling.

B. Any lighting used on the site shall be directed downward, to minimize adverse impacts on neighboring properties.

504.22 Mining and Gravel Extraction, Extractive Use. Mining and gravel extraction, extractive uses are an allowed use, provided that the following requirements are met:

A. All operations shall comply with the Mining Safety and Health Administration (MSHA) standards in regards to slopes, working faces, safety fencing, and the like.

B. All operations may excavate, screen, crush, wash, and produce asphalt or concrete with portable plants.

C. To minimize adverse effects on neighboring properties, hours of operation shall be limited to 7:00 am to 9:00 pm Monday through Saturday. No mining and processing operations shall occur on Sundays or holidays.

D. To minimize adverse effects on neighboring properties, operations shall be screened from the view of adjacent residential uses by the use of topography, stockpiles, or vegetation, or a combination thereof.

E. Processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line or five hundred (500) feet to any residential dwelling located on an adjacent parcel.

F. Excavation of materials shall not occur closer than two hundred (200) feet from a residential dwelling located on an adjacent parcel.

- G. Three-to-one (3:1) slopes shall be maintained adjacent to the property or right-of-way line. This standard may be waived with a written and executed agreement with the adjacent property owner. Such agreement shall be recorded in the Office of the County Recorder.
- H. Once mining is complete, the site shall be restored with slopes not exceeding four-to-one (4:1), and vegetated. The operator shall maintain a bond or letter of credit in the amount of two thousand five hundred (\$2,500.00) dollars per active mining acre in favor of the County to ensure restoration is completed.

504.23 Municipal Land Application of Water Treatment, Lime and Municipal Wastewater. Municipal land application of water treatment, lime, and municipal wastewater sludge shall be an allowed use, provided that all state agency requirements are met.

504.24 Recreational Camping. Recreational camping in tents, motor homes, recreational vehicles, or similar items as defined in Minnesota Statutes 168.002, or successor statutes, or in a structure of less than seven hundred fifty (750) square feet, shall be an allowed use, provided the following requirements are met:

- A. There shall be no on-site disposal of human sewage or grey water on the parcel. Human sewage or grey water shall be collected within the items and disposed of at a proper dumping station, in a holding tank with a minimum capacity of five hundred (500) gallons, a contracted portable toilet, composting or chemical toilet, or a full septic system. Permits shall be obtained where applicable.
- B. The item used for recreational camping shall meet the structure setbacks of the underlying zoning district within which it is located.
- C. Items used for recreational camping that are left in place permanently must be kept structurally sound, weather tight, and vermin proof.
- D. Each recreational camping site shall have a County-issued 911 address and sign.

504.25 Sawmills. Sawmills are allowed as a principal or accessory use, provided the following requirements are met:

- A. The site shall be served by a road of sufficient capacity to handle industrial vehicle traffic. If this capacity is not available, the operator

shall enter into an agreement with the proper road authority for maintenance and upkeep of the road as necessary.

- B. Operations shall be conducted in such a manner to minimize impacts from noise, glare, and odor on adjacent residential uses.

504.26 Solar Energy Generation. Solar energy systems are an allowed accessory use in all districts. Solar farms shall be composed of multiple solar panels on multiple mounting systems, and may be the primary use on the lot on which they are located. Solar farms are an allowed use, provided the following requirements are met:

- A. Power and communication lines which connect panels located within the parcel shall be buried underground.
- B. Panels shall be set back ten (10) feet from the property line.

504.27 Supply/Contractor Yard. A supply yard or contractor's yard is an allowed use or structure, provided that the following requirements are met:

- A. Outdoor storage areas shall be located to the rear of the structure, fenced, and adequately screened from adjacent land uses and public roadways.
- B. Off-street parking shall be provided for any non-resident employee(s).

504.28 Wind Energy Generation. Wind energy generation is an allowed use, provided the following requirements are met:

- A. The parcel or leased area shall be large enough to accommodate the required setbacks, including tip-down setbacks, to property lines, structures, and road rights-of-way established by the State Large Wind Energy Conversion System permit.
- B. The owner or operator shall provide an engineer's certification that the design of wind generator and its component parts comply with all applicable federal and state construction requirements.
- C. The use shall comply with all applicable federal and state regulations regarding noise, lighting, and aesthetics.

505 **CONDITIONAL USES.** The County Board may authorize conditional uses as shown on Table 501 after recommendation by the Planning Commission, in accordance with the procedures set forth in Section 1103. A conditional use shall be approved if, and only if, it is found to meet the following criteria:

- 505.1 The proposed use shall promote the objectives of the Development Ordinance, and shall be consistent with The Comprehensive Plan for Mille Lacs County.
- 505.2 The proposed use shall conform to the districts and conditional use provisions and all general regulations of the Development Ordinance.
- 505.3 The proposed use shall meet all special standards, which may be applied to its class of conditional use as set forth in this Article.
- 505.4 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 402.
- 505.5 The proposed use shall be sited, oriented, and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety, or comfort, and does not adversely affect values of adjacent property.
- 505.6 The proposed use shall be consistent with, and not harmful to, the environment of the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted, and the number of people to be assembled or to use the premises at any one time.
- 505.7 The proposed use shall organize traffic access and parking to minimize conflicting traffic movement on adjacent streets.
- 505.8. Major excavation shall comply with all pertinent sedimentation and erosion control regulations, and shall not endanger structures or other improvements on any adjacent property.
- 505.9 Community uses, when located in or adjacent to a residential or shoreline district, shall provide proper separation and protection for abutting residential uses.
- 505.10 Freight terminals shall not be located on lots of less than two (2) acres, nor be located closer than one hundred (100) feet to any property in a residential or agricultural district. Access for motor freight vehicles shall be by way of streets of adequate width as determined by the Planning Commission. In addition to adequate area within the site for docking, manipulation, and maneuver of motor vehicles, a reservoir of parking area for major freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one (1) parking space for every four (4) loading or unloading

docks. The number, location, and width of entrances to and exits from the site shall be approved by the Planning Commission.

- 505.11 Personal care and assisted living facilities shall not be located on lots of less than six thousand (6,000) square feet, nor on lots having less than four hundred (400) square feet for every sleeping room or for every two (2) beds, whichever is greater. Such uses shall have side yards of not less than ten (10) feet, and shall not be approved unless plans prepared by an architect or engineer are submitted which clearly indicate that adequate light, ventilation, and fireproofing are provided and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility. Personal care facilities shall be approved only after the County Board has found that plans and programs for the management of the facility are adequate and appropriate to the population to be housed, and that adequate provisions have been made to assure the safety and welfare of the residents of the facility and of the adjacent neighborhood.
- 505.12 Utility substations shall provide proper separation and protection for abutting property, and shall not require routine trucking movements on local residential streets.
- 505.13 Multi-family dwellings may be allowed as a conditional use, provided that they are sited and buffered to minimize impacts on any adjoining residential use or structure.
- 505.14 Mining of metallic minerals and peat in shoreland districts shall comply with all state and shoreland district requirements set forth in Article Three of the Development Ordinance.
- 505.15 Major recreation complexes shall be compatible with adjacent uses, and may have conditions imposed upon hours of operation, lighting, and signage in order to ensure that adjacent uses are not adversely affected.
- 505.16 Junk and salvage operations, and recycling and redemption centers, shall comply with all State requirements, as well as the following conditions:
- A. The use shall comply with the minimum standards for operation, safety, storage, and all waste management noted in the "MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, April 1998," or successor manual.

- B. Any structures, parking and loading areas, and exterior storage areas shall meet the minimum setback requirements of the zoning district in which it is located.
- C. No vehicles or vehicle parts shall be placed within the public road right-of-way or easement.
- D. The facility shall be fenced and reasonably screened from adjacent residential uses, public road rights-of-way, or easements. Residential uses located at a higher elevation than the operation are not expected to be screened from the operation.
- E. Any exterior storage of items shall not exceed twelve (12) feet in height above the average adjacent grade, unless a screening wall or fence matching the height of the stored materials is constructed.
- F. Any storage of hazardous materials shall comply with all applicable federal and state regulations. Such materials shall be properly disposed of, and receipts of disposal shall be made available for inspection upon twenty-four (24) hours' notice.

505.17 Motor vehicle repair shall comply with the following conditions:

- A. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable federal and state regulations.
- B. Only vehicles owned by employees or customers awaiting service, or motor vehicles offered for sale, shall be parked on-site, unless screened from adjacent uses, public road rights-of-way, or easements.
- C. Salvage vehicles, parts, and solid waste may be stored outside, provided they are fully screened from the view of residential uses, public road rights-of-way, or easements.

505.18 Motor vehicle repair as an accessory use to a residential use shall comply with the following conditions:

- A. The use shall be accessory to the principal residential use.
- B. A site plan indicating the portion of the lot dedicated to repair, storage of vehicles, and vehicle sales shall be provided. Activities shall be limited to the designated area.

- C. No more than five (5) vehicles shall be displayed for sale at any one time.
- D. Any salvage vehicles, vehicles waiting for repair, and vehicle parts shall be stored in such a way that they are fully screened from adjacent residential uses, public road rights-of-way, or easements.
- E. Any storage of hazardous waste shall comply with all applicable federal and state regulations.
- F. All repair activities shall be screened from the public right-of-way and adjacent properties.

505.19 Solid waste facilities may be approved if they meet the following conditions:

- A. The use or facility shall comply with MN Statutes 115A.46 and MN Rules 9215, or successor statutes and rules.
- B. For composting facilities, outdoor storage of yard and food waste is allowed, provided they are no closer than three hundred thirty (330) feet to a residential dwelling located on an adjacent parcel.
- C. Solid waste shall be kept within a structure, a collection vehicle, or a container.
- D. The site shall be served by a road of sufficient capacity to handle industrial vehicle traffic. If this capacity is not available, the operator shall enter into an agreement with the proper road authority for maintenance and upkeep of the road as necessary.
- E. All operations shall be conducted in such a manner as to minimize impacts from noise, glare, and odor on adjacent residential uses.

506 Accessory Uses and Structures. The following provisions shall apply to accessory uses and structures.

506.1 Temporary structures and trailers used in conjunction with construction work may be allowed only during the period that the construction work is in progress. Development permits for other temporary structures may be issued for sixty (60) day periods by the County Board.

506.2 A fish house is allowed as an accessory use on lots or parcels with dwellings, provided that adequate sanitation facilities exist on-site to support the use, and that residential use of the fish house is limited to recreational purposes.

- 506.3 Home-based custom meat processing is allowed as an accessory use on a lot that is a minimum of two and one-half (2.5) acres.
- 506.4 Storage containers for personal use are allowed as an accessory use, provided they meet the front, rear, and side setback requirements of the district in which they are located.

## ARTICLE SIX: LOTS

- 601 LOT AND YARD REQUIREMENTS. The minimum lot area, minimum width of lot, minimum depth of front and rear yards, and minimum width of each side yard shall be as shown on Table 501.
- 601.1 Residential lots which abut more than one (1) street shall provide the required front yard along every street. Commercial or industrial lots, which abut more than one (1) street, shall provide the required front yard along the shorter of the two (2) street frontages. The yard opposite any front yard shall be considered a side yard.
- 601.2 Only one (1) principal structure, together with allowed accessory structures, may be located on any lot; except that two (2) or more principal structures may be allowed as a planned development after approval and recording of the development plan, as required by the Development Ordinance.
- 601.3 No structure, whether or not attached to the principal structure, and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any minimum front, side, or rear yard, except as provided below:
- A. Minor utility fixtures, unenclosed patios at grade, and articles of decoration around a main building may be located in any required side or rear yard.
  - B. A buttress, chimney, cornice, pier, eave, or pilaster extending no more than twenty-four (24) inches from the wall of the principal structure may be located in any required yard.
  - C. In any district, an unenclosed stoop of no more than one (1) story of fifteen (15) feet in height and four (4) feet in depth may extend into a required side yard.
- 601.4 Trailers -- including utility, commercial, mobile homes or living trailers, and motorized recreational vehicles -- may not be stored in any required front yard, unless authorized as recreational camping.

601.5 Non-residential structures or uses shall not be located or conducted closer to any lot line of any lot in any conservation or agricultural-residential district than the distance specified in the following table:

Table 601.5 Additional Non-Residential Use Buffer Requirements

Buffer Required	Land Use
Twenty (20) feet	Off-street parking spaces, and access drives for non-residential uses
Thirty (30) feet	Religious institutions, schools, and public structures
Fifty (50) feet	Recreation facilities, amusement facilities, motels, all commercial uses, and all industrial uses

601.6 Any portion of a lot once counted as a yard in compliance with the area requirements of the Development Ordinance, shall not be counted again as required yard or lot area per family for another building.

602 HEIGHT REGULATIONS. No structure shall exceed the maximum height above basic grade specified in Table 501, provided:

602.1 A structure for any allowed or conditional use in any district (except Wild and Scenic River, and shoreland districts) may exceed the maximum allowed height, provided that:

- A. Every required yard is increased by one (1) foot for each additional one (1) foot of height.
- B. That the permit for such structure be reviewed and authorized as a conditional use as regulated herein.

602.2 The height regulations of the Development Ordinance shall not apply to television and radio towers, communication towers, silos and other accessory agricultural structures, spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, and elevator bulkheads.

602.3 In determining the height of a structure in stories, a basement shall be counted as a story when more than sixty percent (60%) of its wall surface, measured between floor and ceiling, is, or will be, above grade as shown on the construction plans.

603 LANDLOCKED LOTS OR PARCELS. The Zoning Administrator may issue a Certificate of Use for the owner or agent of any landlocked lot or parcel which does

not comply with the standards of Section 705.1, provided that the owner or agent provides proof of a recorded permanent and perpetual access easement or covenant accessing the landlocked lot or parcel.

## ARTICLE SEVEN: SUBDIVISIONS

701 GENERAL. The County Board shall not approve any application for conditional use, subdivision, or planned residential development except in compliance with the standards set forth in this Article, and only if the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health, or peril from flood or other hazard.

701.1 Administrative Subdivision. A land owner or agent proposing any subdivision of property into four (4) or fewer lots, not requiring the creation of any new public or private roads, may apply to the Zoning Administrator for an administrative subdivision. A land survey and submission of a certificate of survey is required for all administrative subdivisions. The lot corners of the parcels created by administrative subdivision shall be monumented in the physical environment based on the certificate of survey and in accordance with accepted survey practices.

702 NATURAL FEATURES. Existing natural features which would add value to the subdivision and the County, such as trees, steep slopes, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, as far as possible, through careful design of the subdivision.

702.1 In order to keep erosion and siltation to a minimum, all grading activities disturbing more than one (1) acre of land, regardless of slope, shall comply with the requirements of an approved National Pollutant Discharge and Elimination System (NPDES) permit and its Stormwater Pollution Prevention Plan (SWPPP).

702.2 On hillsides exceeding twenty-five percent (25%) in slope, no more than twenty percent (20%) by area of the natural vegetation may be removed for construction purposes or any other activity, unless a plan approved by the County for reforestation of disturbed areas is guaranteed by the developer.

702.3 No cutting, filling, or other disturbance of land and natural vegetation is permissible within fifty (50) feet of the edge of any flowing stream or creek.

702.4 Subdivisions in Flood Plains. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the floodway district, at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of these provisions and have road access, both to the subdivision and to the

individual building sites, no lower than two (2) feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe district boundaries, the Regulatory Flood Protection Elevation (RFPE), and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

A. Floodway/Flood Fringe and/or One Percent (1%) Annual Chance Flood Elevation Determinations for Lakes Located in Zone A. Applicants shall provide the information required to determine the one hundred (100) year flood elevation, the floodway and flood fringe district boundaries, and the RFPE for the subdivision site.

703 STREETS. The County Board shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access for firefighting equipment to buildings, and provide a coordinated system of streets. All streets shall comply with standards set forth in the Technical Appendix, which is incorporated herein by reference into the Development Ordinance.

703.1 In the case of subdivisions for commercial, industrial, and public purposes, streets, where possible, shall be no closer than three hundred (300) feet to any other driveway, or public or private street in the same or another subdivision.

703.2 Local streets shall be so planned to provide connections to adjacent developments, and future connections to adjacent undeveloped parcels wherever feasible.

703.3 Alleys shall not be allowed in residential districts, but may be included in commercial and industrial areas where needed for loading and unloading or access purposes.

703.4 Right-of-way requirements may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by the Technical Appendix to the Development Ordinance.

703.5 Minimum street requirements shall be in accordance with County regulations and outlined in the Technical Appendix to the Development Ordinance.

- 704 BLOCKS. Blocks shall ordinarily not exceed eight hundred (800) feet in length. Where it is necessary for blocks to exceed this length, pedestrian ways or easements may be required near the center of the block.
- 705 LOTS. The lot and yard size shall conform to the requirements of the Development Ordinance, and the lots shall be designed in accordance with the following design standards:
- 705.1 Except for subdivisions by District Court Order where no frontage is provided for, every lot shall be provided with a minimum of sixty-six (66) feet of right-of-way frontage for the use of public safety vehicles, and other public and private purposes.
- 705.2 Side lines of lots shall be approximately at right angles to straight streets, and on radial lines on curved streets, whenever feasible. Pointed or very irregular lots shall be avoided, unless such variations improve the overall neighborhood design.
- 705.3 Double-frontage lots shall be avoided.
- 705.4 When a tract is subdivided into larger than required building lots and there is no covenant preventing re-subdivision of the lots, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and re-subdividing.
- 706 EASEMENTS. Easements for utilities and drainage shall have a minimum width of twenty (20) feet. Such easements shall, where possible, be centered along lot lines. Where a subdivision is traversed by a watercourse, there shall be provided a storm water easement or drainage right-of-way of width sufficient for the purpose.
- 707 WATER AND SEWER SYSTEMS. Water supply and sewage disposal systems for the subdivision shall comply with state regulations. On-site sewage treatment systems shall comply with Minnesota Rules 7080-7083, or successor rules.
- 708 CONSERVATION SUBDIVISIONS. Conservation subdivisions shall be encouraged, where appropriate, in order to accomplish the development objectives outlined in Section 104 of the Development Ordinance.
- 708.1 The minimum size of a conservation subdivision shall be ten (10) acres.
- 708.2 The maximum gross density allowed in a conservation subdivision is fifteen (15) units per ten (10) acres.

- 708.3 Open Space Requirements: A minimum of twenty-five (25) percent of the total area of a conservation subdivision shall be designated as permanent open space, subject to a conservation easement. Where possible, the designated open space shall be contiguous with open spaces on adjacent parcels to provide large expanses of open space. Designated public trail systems, which abut a conservation subdivision, shall be connected through the subdivision. Access shall be provided, where appropriate, to designated active or passive recreation areas, open spaces, or natural areas from one (1) or more streets in the subdivision.
- A. The designated open space shall be surveyed and subdivided as a separate parcel. The designated open space must be restricted from further development by a permanent conservation easement in accordance with Minnesota Statutes Chapter 84C, or successor statutes, running with the land. The permanent conservation easement must be submitted with the preliminary site plan, and approved by the County Attorney and the County Board.
  - B. Conservation easements may be held by a government agency, non-profit conservation organization, or land trust, but in no case may the holder of the conservation easement be the same as the owner of the underlying fee.
- 708.4 All other standards pertaining to subdivisions shall apply to conservation subdivisions.

## ARTICLE EIGHT: PLANNED DEVELOPMENTS

801 PLANNED DEVELOPMENTS. Planned developments may be allowed or denied by the County Board after recommendation by the Planning Commission, in accordance with the procedures set forth in Section 1104.

801.1 FINDINGS OF FACT. A development plan for a planned development shall be approved if, and only if, it is found to meet the following criteria:

- A. The Comprehensive Plan. The proposed development plan preserves the development objectives of the Development Ordinance and is consistent with The Comprehensive Plan.
- B. Modifications. Where the proposed development plan departs from the development regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and that they promote the health, safety, and general welfare of the public.
- C. Open Space. The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.
- D. Infrastructure. The physical design of the proposed development plan adequately provides for public services, pedestrian and vehicle facilities and parking, light, air, recreation, and visual enjoyment.
- E. Neighborhood. The total environment of the proposed development plan is harmonious and consistent with the neighborhood in which it is located, and the long term development of any unused portion of the land owned or controlled by the developer will be harmonious with the portion of the land proposed for approval.
- F. Environment. The proposed development plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment; and prevention of erosion, landslides, siltation, and flooding than if the property were developed in accordance with the provisions of the Development Ordinance which otherwise apply.
- G. Safety. The proposed use shall not involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any property or persons, and shall comply with the performance standards of Section 402.

- H. Timing. In the case of a development plan which proposes development over a period of years, the development plan will provide, at each stage of development, a sufficient proportion of open space, planned facilities and amenities, and other improvements and conditions as required in the Development Ordinance and as intended to protect the interests of the public.
- I. Access. The site must provide for access from arterial streets to ensure convenient and safe access, which will not cause undue congestion or hazard on local streets.
- J. Safety. The site shall be so developed as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health, and property such as quarries, open ditches, land subject to flooding, subsidence, or underground fires shall not be developed for commercial purposes until such hazards have been eliminated or adequate safeguards are provided in the Development Plan.

802 PLANNED UNIT DEVELOPMENT. Planned unit developments may be approved under provisions of the Development Ordinance if, and only if, they comply with the following standards and provisions:

- 802.1 Ownership. The entire site for the planned unit development shall be owned or controlled by the developer.
- 802.2 Minimum Size. The site shall not be less than five (5) acres.
- 802.3 Frontage. The minimum frontage abutting on a public right-of-way shall not be less than one hundred fifty (150) feet.
- 802.4 Allowed Uses. Uses as specified in Table 501 for the zoning district in which a proposed planned unit development is to be located may be allowed in the planned unit development, provided their design, arrangement, landscaping, construction, and relationship to adjacent properties and uses meet all requirements set forth in the Development Ordinance.
- 802.5 Yards and Open Spaces. The front yard shall not be less than the minimum requirements of the district in which the planned unit development is located. Not less than fifteen percent (15%) of the total site area shall be set aside for open space; such open space shall be landscaped in a manner suitable for the uses intended for the development.

- 802.6 Building Spacing. The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air, and emergency access. The minimum distance between the nearest points of any exterior building walls shall not be less than thirty (30) feet.
- 802.7 Building Groupings. Structures shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.
- 802.8 Off-Street Parking and Loading. A parking plan showing intended parking and off-street loading plans shall be provided.

803 PLANNED RESIDENTIAL DEVELOPMENT. A planned residential development may be approved under provisions of the Development Ordinance if, and only if, it complies with the following standards and provisions.

- 803.1 Ownership. The entire site for the planned residential development shall be owned or controlled by the developer.
- 803.2 Minimum Size. The site shall not be less than ten (10) acres.
- 803.3 Frontage. The minimum frontage abutting on a public right-of-way shall not be less than two hundred (200) feet.
- 803.4 Allowed Uses. The following uses may be allowed in a planned residential development, provided their design, arrangement, landscaping relationship to adjacent properties and uses, and construction meet the requirements set forth in the Development Ordinance.
  - A. Agricultural-Residential (A-R): farm; single-family dwelling; duplex, triplex, or quad; attached dwelling; townhouse; senior housing apartment; and multi-family dwelling.
  - B. Shoreland Districts: single-family dwelling; duplex, triplex, or quad; attached dwelling; or townhouse.
- 803.5 Allowed Density. The overall density shall not exceed the maximum number of dwelling units per acre as specified in the following table. Within any part of a planned residential development, the average lot area per dwelling unit for single-family houses, mobile homes, two-family houses, townhouses, or apartments shall not exceed the average lot area specified in the following table.

Table 803.5 Allowed Density

	<b>A-R</b>	<b>Shoreland Districts</b>
One-Family Dwelling	Twenty five thousand (25,000) square feet	As allowed by Shoreland regulations
Duplex, 2-Family Dwelling, Townhome, or attached Dwelling	Twenty thousand (20,000) square feet	As allowed by Shoreland regulations
Multi-family or Apartment	Ten thousand (10,000) square feet	As allowed by Shoreland regulations

803.6 Open Space Requirements. Not less than fifteen percent (15%) of the total site area shall be set aside for common open space, and not less than fifty percent (50%) of that open space shall be developed for recreational purposes appropriate for its location and probable usage. The common open space shall be dedicated, or otherwise preserved and maintained, so as to always remain open and available for use by the occupants of the planned residential development. The common open space, including all improvements and facilities, shall be either:

- A. Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities, but no public body is obliged by the Development Ordinance to accept such dedication; or
- B. Deeded to an organization representing the property owners of the development. Such organization shall covenant to operate and maintain such land and facilities. Such organization may not be dissolved nor dispose of the common open space, unless the maintenance of the common open space is otherwise guaranteed to the satisfaction of the County.

803.7 Minimum Building Setback. The front yard shall not be less than the requirements of the district in which the planned residential development is located.

803.8 Building Spacing. The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage creative and effective site design. The spaces between buildings shall provide for adequate light, air, and adequate emergency access. The minimum distance between the nearest points of any exterior building walls shall not be less than twenty (20) feet.

- 803.9 **Maximum Size of Structure.** No structure shall have a maximum dimension greater than two hundred fifty (250) feet. No townhouse or apartment shall have a height greater than three (3) stories. Chimneys, spires, towers, tanks, or similar projections may not exceed the prescribed height limitations by more than twenty-five percent (25%).
- 803.10 **Building Groupings:** Structures used for dwelling units shall be oriented to ensure adequate light and air exposure. Each structure shall be arranged to avoid undue exposure to concentrated loading or parking facilities.
- 803.11 **Staging Development.** The density of development within various portions of the planned residential development may vary, provided each such area or portion of the development meets all requirements of the Development Ordinance. It is also required that plans for the construction of areas of greater density concentration than allowed on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required by offset development densities in excess of the overall allowed density, the County may require the reservation of open space by grant, easement, or covenant in favor of the County, in an amount and location necessary to balance the excess development density of each stage.
- 803.12 **Residential Parking Plan.** A parking plan shall be provided, showing intended parking and off-street loading plans, if necessary, for the planned residential development.
- 804 **REQUIRED IMPROVEMENTS.** The following improvements shall be completed in connection with every planned development.
- 804.1 Areas should be provided for school bus loading and shelters within one quarter (1/4) mile of each residential concentration. The school bus loading area shall be large enough for a bus to pull out of the flow of traffic.
- 804.2 Proposed streets shall be of sufficient width and proper grade, and be located so as to accommodate the probable volume of traffic, afford adequate light and air, facilitate fire protection, provide access for firefighting equipment to buildings, and provide a coordinated system of streets. All streets shall comply with standards set forth in the Technical Appendix, which is incorporated herein by reference in the Development Ordinance.

- 804.3 A drainage plan shall be provided, showing suitable drainage structures, culverts, storm sewers, ditches, and related installments to ensure adequate drainage of all points along the streets.
  - 804.4 Survey monuments shall be provided in compliance with Minnesota Statutes 505, or successor statutes.
  - 804.5 Pedestrian interior walks may be required, where necessary, to assist circulation or provide access to community facilities. If required, such interior walks shall have a paved width of not less than six (6) feet.
  - 804.6 All utilities within a planned development shall be located underground.
  - 804.7 A letter of credit to ensure satisfactory completion of required improvements and maintenance, inspection procedures, and acceptance of any public rights-of-way shall conform to the requirements of Article Nine of the Development Ordinance.
  - 804.08 If water is to be provided by means other than by private wells owned and maintained by the individual lot owners within the planned development, the developer shall present evidence to the County that the planned development is to be supplied by a certified public utility, a bona-fide cooperative association of lot owners, or by a municipal corporation, authority, or utility.
- 805 **GUARANTEE OF IMPROVEMENTS.** No planned development shall receive final approval unless all improvements required by County requirements and state statutes have been installed in strict accordance with such law; unless a guarantee that the improvements will subsequently be installed by the developer is provided, in the form of a letter of credit which is acceptable to the County and is in an amount sufficient to cover the cost of improvements which may be required, plus ten percent (10%). Such letter of credit shall provide for and secure to the public the completion of all declared improvements within a period of one (1) year from the date of final approval of the plan.

## ARTICLE NINE: REQUIRED IMPROVEMENTS

- 901 GENERAL. All of the required improvements specified in this Article shall be constructed in accordance with County standards for construction, as well as all other applicable federal and state regulations.
- 902 MONUMENTS AND MARKERS. Surveying markers shall be set in accordance with Minnesota Statutes 505, or successor statutes.
- 903 STREETS. Streets shall be graded to the grades and dimensions shown on plans and profiles approved by the County, and townships as appropriate, and shall include the following improvements:
- 903.1 Suitable drainage structures, culverts, storm sewers, ditches, and related installations shall be provided to ensure adequate drainage of all points along the streets.
- 903.2 Street and underground constructions shall conform to standard specifications, as set forth in the Technical Appendix of the Development Ordinance.
- 903.3 All streets shall be improved with gravel, crushed granite, concrete, or asphalt surfaces.
- 904 STORM DRAINAGE. The construction of storm drainage systems shall conform to National Pollutant Discharge and Elimination System (NPDES) standards.
- 905 SEWER. Lots shall provide sewage treatment in compliance with Minnesota Rules 7080–7083, or successor rules, and County standards.
- 906 UTILITIES. Electric, gas, telephone, cable, fiber optic, and other similar utility distribution lines shall be installed within public rights-of-way, or within properly designated easements where applicable. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed roads except at intersections and, in any case, shall be placed in conduit which has been installed prior to the placement of any road improvements.
- 907 STREET SIGNS. Street name signs of a type adopted or approved by the County shall be installed at each street intersection.
- 908 SIGHT TRIANGLE FOR INTERSECTIONS. On a corner lot or any point of entry on a public road, nothing shall be erected, placed, planted, or allowed to grow in such a manner which obscures vision between the height of one and one-half (1½) feet above ground level, as measured from the centerline grades of such corner lots, and

a line joining points on these street lines of such corner lots twenty-five (25) feet from their intersection along the lot lines.

- 909 COUNTY DITCHES. There shall be a clear zone for the purpose of ditch maintenance, extending two hundred (200) feet on each side of the centerline of official county ditches, where no allowed buildings or structures shall be placed. Fences of post and wire shall be allowed within the clear zone, but no permanent plantings, such as trees or bushes, shall be planted in the clear zone.
- 910 CENTERLINE SETBACKS. For the purposes of regulating setbacks from the road, the centerline shall be measured from the centerline of the road as constructed; except in the case of a four (4) lane highway, then it shall be measured from the centerline of the closest set of lanes as constructed.
- 911 INSPECTION. When the plan of streets and other improvements has been approved as provided in the Development Ordinance, the subdivider shall first notify the County Engineer, or appropriate designee, of the intention to proceed with the construction or installation of those streets and improvements; notification shall be made at least ten (10) working days before such construction or installation shall commence, so as to give the County Engineer an opportunity to inspect the installation or construction of those streets and improvements during the course of the work being performed.
- 912 MAINTENANCE. Prior to any street or other improvement being accepted by the County and township as hereinafter provided, the developer shall post a letter of credit naming the County as obligee in an amount set by the County Engineer, and in terms acceptable to the County and township, to ensure maintenance of said improvements for a period of not less than twenty-four (24) months from the date of acceptance by the County and township.
- 913 ACCEPTANCE. After streets and improvements have been installed and constructed pursuant to the requirements contained in the Development Ordinance, and in the event that the developer desires to have the County and township accept the streets or improvements, the developer shall notify the County Engineer that the construction or installation has been completed, and shall supply the County and township with one (1) reproducible copy of the as-built plan that is the basis on which the street or improvement in question has been constructed or installed. The reproducible copy shall show thereon the signatures of all agencies and individuals who have approved the plan.

## ARTICLE TEN: APPLICATIONS

1001 APPLICATION DOCUMENTS. Applications shall be submitted to the Zoning Administrator and shall be comprised of the documents specified below, according to the type of approval requested. Applications shall be accompanied by forms and fees as established by the County. Applications requiring review and approval by the Planning Commission shall not be placed on the agenda of the next regular meeting of the Planning Commission unless they are received and accepted by the Zoning Administrator at least thirty (30) days prior to such meeting. Incomplete applications, or applications which do not meet the standards set forth below, shall not be accepted by the Zoning Administrator. Time periods allotted for County review and approval of applications shall be deemed to start when the application is accepted, and determined complete as required by Minnesota Statutes 15.99, or successor statutes.

1001.1 Site Map. An accurate drawing or aerial photograph of existing conditions on a site proposed for development, showing:

- A. Property lines and total acreage of the parcel proposed for development,
- B. All existing streets, rights-of-way, and easements related to the development,
- C. The location of relevant natural features including, but not limited to, streams or other natural watercourses, flood plains and adjacent lands which are subject to flooding, and significant stands of existing trees.
- D. The location of existing structures, existing land use, retaining walls, and all structures located on abutting property within fifty (50) feet of the common property line.
- E. Required front, side, and rear yard lines, and any required building line.

1001.2 Expanded Site Map. A site map for any proposed subdivision, commercial or industrial development, or planned development showing:

- A. The names of owners of properties adjacent to the tract.
- B. Tract boundary lines by calculated distances and bearings.
- C. Sub-surface conditions, including data on past or possible future mining activity. If mineral rights are severed from the land ownership, such data must be clearly indicated.

- 1001.3 Location Map. A small scale map referencing the location of a proposed development, clearly showing the location, area, and zoning of the tract proposed for development with relation to the area and zoning of adjacent properties, and the location and relative distance to existing nearby streets.
- 1001.4 Site Plan. A scaled drawing of a lot or other parcel of land where construction, or other use or development of the land is proposed, showing clearly and completely the location, dimensions, and nature of the site and of any structure involved, together with such information as the Zoning Administrator requires for the administration of the Development Ordinance.
- 1001.5 Site Development Plan. One (1) or more scaled drawings, each having a title block giving the name of the development, property owner, developer, north point, date, and scale (minimum one inch (1") = fifty (50') feet) showing:
- A. Location, dimensions, total square footage, and ground floor elevations of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes, and other site improvements or amenities.
  - B. Contours and sufficient elevations to show proposed grading, and data to show gradient of access drives, parking facilities, and surface water run-off.
  - C. Location and approximate size of utilities to serve the development.
  - D. Schematic elevations at an appropriate architectural scale.
  - E. Surface water runoff controls.
  - F. Such other information as may be required by the Zoning Administrator.
- 1001.6 Site Development Plan in Flood Plains. In addition to required information for site development plans, site developments in flood plains shall also show:
- A. Topographic contour lines at an interval of two (2) feet.
  - B. The location of any bodies of water or watercourses, identified floodplains, information pertaining to the floodway, and the flow of water including direction and velocities.

- C. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
- D. The elevation of the one hundred (100) year flood; and information concerning flood depths, pressures, impact and uplift forces, and other factors associated with a one hundred (100) year flood.
- E. Detailed information concerning any proposed flood proofing measures.
- F. Such other information as may be required by the Zoning Administrator.

1001.7 Subdivision Plan. A proposed subdivision plan drawn at a scale in increments of twenty-two by thirty-four (22x34) inches showing:

- A. Name of the subdivision.
- B. Name and address of owner, subdivider and persons who prepared the plan.
- C. A suitability analysis that meets the requirements set out in the Mille Lacs County Administrative Manual.
- D. Proposed streets and rights-of way including names, dedicated widths, roadway widths, gradients, types and widths of pavements, and curbs and sidewalks.
- E. Proposed easements, including widths and purposes, and conservation easements, where appropriate.
- F. Layout of lots, including dimensions, number, and building lines.
- G. Parcels of land to be dedicated or reserved for schools, parks, playgrounds, green space, or other public or community use
- H. Key plan, legends, notes, graphic scale, north point, and date.
- I. A draft of any proposed deed covenants.
- J. Two (2) soil borings per lot, unless a municipal sewer is being provided.

1001.8 Final Plat. A final plat for a subdivision or land development drawn at a scale no smaller than fifty (50) feet to one (1) inch and prepared at a size of twenty-two by thirty-four (22x34) inches showing:

- A. The subdivision name, name and address of owner and subdivider, source of title of land use as shown by the books of the Recorder of Deeds of the County, graphic scale, north point, date, and certificate of approval by the County Board.
- B. Survey date with certification by a Registered Professional Engineer or land surveyor, showing calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building lines, and parks reserved for community purposes.
- C. Location and distances to the nearest established street corners or official monuments, and the streets intersecting the boundaries of the subdivision.
- D. Location, type of material and size of monuments, complete curb data, lot numbers, and street names.
- E. Evidence of clear title sufficient for recording purposes.

1001.9 Grading Plan. An accurate map of a proposed subdivision site where grading is proposed, together with a study prepared by a Registered Professional Engineer qualified in hydrology, and accompanied by all supporting data developed by the engineer, showing:

- A. The proposed excavations and fills.
- B. Woodlands, structures, parking areas, and driveways.
- C. Sources, storage, and disposition of water channeled through or across the site.
- D. All proposed grading and drainage, and the gradients and maximum flow courses.
- E. A description of the work to be performed, the disposition of cut and fill materials to be used, and the method of performance, including provisions for protecting and maintaining existing drainage facilities, whether on public or private property.

1001.10 Sign Plan. A scale drawing required for review of an application for a sign permit, showing the design proposed; the size, character, and color of the letters, lines, and symbols; method of illumination; method of construction; and the exact location of the sign on the site, in relation to existing or proposed structures and lot lines.

Final Recommended by the Planning Commission  
Mille Lacs County Board of Commissioners  
Adopted April 7, 2015 - Effective May 1, 2015

## ARTICLE ELEVEN: REVIEW

- 1101 NON-CONFORMING USE OR STRUCTURE. The owner of a legal non-conforming use or structure shall be entitled to a Certificate of Non-Conformity, after providing sufficient documentation to the Zoning Administrator that the use or structure was legally established and entitled to non-conforming status.
- 1102 REVIEW OF A PROPOSED SIGN. The Zoning Administrator, after receipt of a sign plan, shall issue a Certificate of Allowed Use for a proposed sign after administratively reviewing that appropriate setbacks are met, and that a building permit and all permissions from landowners and the Minnesota Department of Transportation, if required, have been obtained.
- 1103 REVIEW OF A PROPOSED SINGLE-FAMILY HOUSE. The application for approval of a Certificate of Allowed Use for the erection or expansion of a single-family house shall consist of a scale drawing or site map showing required setbacks and heights, together with any documents that may be required for a building permit.
- 1103.1 The Zoning Administrator shall approve such application if it meets all the requirements of the Development Ordinance, or disapprove the application for cause, within the time limits specified in Minnesota Statute 15.99, or successor statutes.
- 1104 REVIEW OF A PROPOSED ALLOWED USE OTHER THAN A SINGLE FAMILY HOUSE. The application for a Certificate of Allowed Use shall consist of a site map and the proposed site plan, together with such documents as may be required for a grading permit.
- 1104.1 The Zoning Administrator shall approve such application if it meets all the requirements of the Development Ordinance, or disapprove the application for cause, within the time limits specified in Minnesota Statute 15.99, or successor statutes. If the proposed use does not meet the requirements set forth in Article Five of the Development Ordinance, the owner may apply for a conditional use or for a variance, based upon the circumstances of the proposed use or structure.
- 1104.2 Any development contrary to the approved plan shall constitute a violation of the Development Ordinance.
- 1105 REVIEW OF A PROPOSED CONDITIONAL USE. The application for a conditional use shall consist of a site map and the proposed site development plan, together with such documents as may be required by the Planning Commission to make

findings as to whether the proposed conditional use meets all pertinent standards set forth in Section 505.

1105.1 The Planning Commission shall make findings of fact, and shall recommend approval or disapproval of the proposed conditional use in accordance with the standards set forth in Section 505.

1105.2 The County Board may approve or disapprove the proposed conditional use following a recommendation from the Planning Commission.

1105.3 The County Board may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance by the Board of Adjustment where such variance is required, but such conditional approval by the County Board shall not be binding on the Board of Adjustment, and the conditional approval shall be canceled if the requested variance is denied by the Board of Adjustment.

1105.4 The review by the Planning Commission and decision by the County Board shall occur within time limits specified in Minnesota Statute 15.99, or successor statutes.

1105.5 Recording. Upon the approval of a conditional use, the developer shall record the conditional use within ninety (90) days.

1105.6 Any development contrary to the approved plan shall constitute a violation of the Development Ordinance.

1106 REVIEW OF A PROPOSED SUBDIVISION. The review and approval of a proposed subdivision shall require approval of a preliminary application and a final plat, except that applicants for an administrative subdivision of land, where no more than four (4) lots are involved, where no new streets or other improvements are needed, and where the proposed subdivision conforms to the standards and requirements of the Development Ordinance, may apply administratively for approval. A Certificate of Survey and suitability analysis are required for administrative subdivisions. The Application for Plat Review shall be submitted as a computer file in accordance with requirements in the Administrative Manual and Platting Manual for the County.

1106.1 Concept Plan. Prior to submission of a preliminary application, the developer is encouraged to present a concept plan of the proposed subdivision to the Zoning Administrator to assure a subdivision furthering the development objectives set forth in Article One of the Development Ordinance. Such agreement shall not be legally binding. In the case of a proposed subdivision, which proposes development of only a portion of the

parcel owned or controlled by the developer, the developer shall provide a concept plan that clearly delineates the proposed future development of all remaining portions of that parcel. The concept plan may be submitted as a part of the preliminary application.

- 1106.2 Preliminary Application. The preliminary application for a proposed subdivision shall be comprised of an original and ten (10) copies each of a location map, a site map, a proposed subdivision plan, and such documents as may be required for a grading permit.
- 1106.3 The Zoning Administrator shall forward one (1) copy of the preliminary application to the County Auditor, the County Engineer, the County Surveyor, the township, and any other appropriate agencies.
- 1106.4 The Zoning Administrator shall review the application covering the requirements of the Development Ordinance point by point, and may consult with the County Auditor, the County Engineer, the County Surveyor, and other concerned officials. The Planning Commission will recommend approval, denial, or conditional approval to the County Board.
- 1106.5 The County Board shall, after receiving the recommendation of the Planning Commission, render its decision.
- 1106.6 The decision of the County Board shall be in writing, and shall be communicated to the applicant personally or mailed to him or her at his or her last known address.
- 1106.7 The review by the Planning Commission and decision by the County Board shall occur within time limits specified in Minnesota Statute 15.99, or successor statutes.
- 1106.8 When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or Development Ordinance relied upon.
- 1106.9 Public Hearing. The Planning Commission shall hold a public hearing prior to recommending approval or disapproval of the preliminary application.
- 1106.10 Final Application. The final application shall include seven (7) prints and one reproducible copy of the final plat, and a guarantee of improvements as required by Section 915.

- 1106.11 Final Review. The County Board, after receiving recommendation of the Planning Commission, shall render its decision and communicate it to the applicant, as required by Minnesota Statute 15.99, or successor statutes.
- 1106.12 When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application.
- 1106.13 Following approval of the final application, but prior to the issuance of any building, grading, or other County permit, the developer shall sign a development agreement approved by the County Attorney.
- 1106.14 Recording. Upon the approval of a final plat, the developer shall record it in accordance with Minnesota Statutes 505, or successor statutes.
- 1107 REVIEW OF A PROPOSED PLANNED DEVELOPMENT. Applications for planned developments shall require submission, review, and approval of both a preliminary application and a final application, in accordance with the following procedures and requirements.
  - 1107.1 Concept Plan. Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission, to assure development furthering the development objectives set forth in Article One of the Development Ordinance. Such agreement shall not be legally binding. In the case of a proposed subdivision, which proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a concept plan that clearly delineates the proposed future development of all remaining portions of that parcel. The concept plan may be submitted as a part of the preliminary application.
  - 1107.2 The preliminary application shall include an original and ten (10) copies each of a location map, site map, proposed planned development plan, and such documents as may be required for a grading permit.
  - 1107.3 The Zoning Administrator shall forward one (1) copy each of the preliminary application to the County Engineer, County Auditor, and the County Surveyor, and the township and Planning Commission members.
  - 1107.4 The Planning Commission shall hold a public hearing, in accordance with law, regarding the proposed planned development.
  - 1107.5 The Planning Commission shall recommend tentative approval to a proposed planned development plan if, and only if, it is found to meet the

criteria and standards set forth in Article Eight and all other pertinent requirements of the Development Ordinance.

- 1107.6 The recommendation shall include findings of fact related to the proposed planned development plan as submitted, and the reasons for the recommendation shall be set forth in detail as to how the proposed planned development plan would or would not be in the public interest including, but not limited to, each of the cited criteria.
- 1107.7 The County Board may:
- A. Grant tentative approval of the proposed planned development plan as submitted;
  - B. Grant tentative approval subject to specified conditions not included in the proposed planned development plan as submitted; or
  - C. Deny approval of the proposed planned development plan.
- 1107.8 The County Board may set forth in the official written communication the time within which an application for final approval of the planned development plan shall be filed or, in the case of a planned development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed.
- 1107.9 The decision of the County Board shall be in writing, and shall be communicated to the applicant personally or mailed to him or her at his or her last known address.
- 1107.10 If the developer chooses to reject any condition(s) attached to the grant of tentative approval, he or she may void such tentative approval by notifying the County Board within thirty (30) days of the date of the decision.
- 1107.11 The grant of tentative approval may be revoked by the County Board if they are notified by the developer of his or her intention to abandon the proposed planned development plan. The grant of tentative approval shall be deemed to be revoked if the developer does not submit an application for final approval within the time limits required by the Development Ordinance.
- 1107.12 Application for final approval of each phase shall be filed with the Zoning Administrator not later than two years (2) years following the grant of tentative approval, unless otherwise specified by the County Board. The application shall comprise one reproducible copy and ten (10) prints of the

planned development plan for the phase, including supplementary data, and a certificate of completion of improvements or a letter of credit as required by the Development Ordinance.

1107.13 Following approval of the final plan application, but prior to the issuance of any building, grading, or other County permit, the developer shall sign a development agreement approved by the County Attorney.

1108 ENVIRONMENTAL ASSESSMENT. If an Environmental Assessment Worksheet or Environmental Impact Statement is required, the applicant shall comply with all state regulations, processes, and time limits.

1109 REVIEW PROCEDURES FOR FLOOD PLAINS. Prior to the issuance of a Certificate of an Allowed or Conditional Use in a Flood Plain, the Zoning Administrator shall require the applicant to indicate compliance with all applicable state and federal regulations.

1109.1 Plans in triplicate, drawn to scale, showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

1109.2 Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

A. Transmit one (1) copy of the information described above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

B. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site, and evaluate the suitability of the proposed use in relation to the flood hazard.

1110 REVIEW PROCEDURES FOR SHORELAND DISTRICTS. Prior to the issuance of a Certificate of Allowed or Conditional Use for any use in a shoreland district, the Zoning Administrator shall require the applicant to indicate compliance with all applicable federal and state regulations.

## ARTICLE TWELVE: ENFORCEMENT

1201 ZONING ADMINISTRATOR. The Zoning Administrator, who shall be appointed by the County Board, shall:

1201.1 Administer and enforce the provisions of the Development Ordinance in accordance with its literal terms, and shall not have the power to allow any construction or any use or change of use which does not conform to the Development Ordinance.

1201.2 Issue Certificates of Allowed Use and Conditional Use, and Certificates of Non-Conformity.

1201.3 Maintain permanent land use files containing documentation for all land use actions, in accordance with Minnesota Data Practices standards.

1201.4 Identify and register all non-conforming lots, uses, and structures as required by law, together with the reasons why the lot, use, or structure is non-conforming.

1202 ENFORCEMENT REMEDIES. In case any building, structure, or land is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of the Development Ordinance, the County Board shall have all of the enforcement remedies provided in Minnesota law.

1203 PENALTIES FOR VIOLATION OF ORDINANCE WITHIN A FLOOD PLAIN. Violation of these provisions or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by law. Nothing herein contained shall prevent Mille Lacs County from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:

1203.1 In responding to a suspected Development Ordinance violation, the Zoning Administrator and County may utilize the full array of enforcement actions available to it, including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures, or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.

1203.2 When a Development Ordinance violation is either discovered by, or brought to the attention of, the Zoning Administrator, the Zoning Administrator shall investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information shall be submitted to the Department of Natural

Resources and Federal Emergency Management Agency Regional Office, along with the County's plan of action to correct the violation to the degree possible.

1203.3 The Zoning Administrator shall notify the suspected party of the requirements of these provisions and all other official costs.

1204 PENALTIES AND COSTS. Penalties and costs shall be assessed as follows, where appropriate:

1204.1 Penalties. Any person, firm, or corporation; or agent, employee, or contractors of such, who violate, disobey, omit, willfully neglect, refuse to comply with, or who resist enforcement of any of the provisions of the Development Ordinance may be subject to any or all of the following:

A. Charged with a criminal misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the County, and shall be credited to the General Revenue Fund.

B. Be subject to civil abatement of the violation by the County, if so ordered by the court. The Zoning Administrator, in conjunction with other departments or private contractors, may provide for the abatement of the violation of the Development Ordinance.

C. Imposition of an administrative penalty for each day the violation exists. Such administrative penalties shall be established annually by County resolution.

D. Costs resulting from enforcement of the Development Ordinance, imposed by administrative penalty, or for abatement, shall be paid by the property owner. Costs not paid by the property owner shall be certified to the County Auditor-Treasurer as an assessment by the County Board by November 15 of the year the costs were incurred. The total cost, including staff time, mileage, postage, abatement and/or administrative penalty, and a description of the land against which costs are incurred shall be provided to the County Auditor-Treasurer for certification.

1205 AMENDMENTS. The County Board may amend the Development Ordinance text or Zoning Map as proposed by a member of the County Board, by the Planning Commission or by a petition of a person residing or owning property within the County in accordance with the following provisions:

- 1205.1 Petitions for amendment shall be filed with the Zoning Administrator and the petitioner, upon such filing, shall pay a filing fee in accordance with fees established by County resolution. The petitioner for amendment shall provide draft text amendment language or zoning map information sufficient for review, so that the intent of the petition is understood by reviewing parties. The Zoning Administrator shall review the proposed text or zoning map amendment, and report his or her findings and recommendations in writing to the petitioner, the Planning Commission, and the County Board. The Zoning Administrator shall send map amendments to the affected township for their review. The proposed text or zoning map amendment shall be introduced before the County Board only if a member of the County Board elects to do so.
- 1205.2 Any proposed text or zoning map amendment introduced by a member of the County Board, without written findings and recommendations from the Planning Commission, shall be referred to the Planning Commission for review at least thirty (30) days prior to the public hearing.
- 1205.3 Before voting on the enactment of a text or zoning map amendment, the Planning Commission shall hold a public hearing thereon, pursuant to a public notice, and shall comply with the comment and review procedures mandated by Minnesota Statute 394, or successor statutes. If, after any public hearing held upon an amendment, the proposed text or zoning map amendment is revised or further revised to include land previously not affected by it, the Planning Commission shall hold a subsequent public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 1205.4 Amendments to Flood Plain Boundaries. Flood plain district boundaries may be amended as specified above, where natural or man-made changes have occurred, or where studies by the U.S. Army Corps of Engineers, River Basin Commission, or other qualified person shall document the need for such change. Prior to any change, approval shall be obtained from the Federal Insurance Administration. The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error, or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain.
- A. All amendments to these provisions, including amendments to the official zoning map, shall be submitted to and approved by the Department of Natural Resources prior to adoption. Changes in the

official zoning map shall meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria, and shall receive prior FEMA approval before adoption. The Department of Natural Resources shall be given ten (10) days written notice of all hearings to consider an amendment to these provisions, and said notice shall include a draft of the Development Ordinance amendment.

1205.5 Amendments to Shoreland District Boundaries. Amendments to shoreland district boundaries shall comply with all requirements of state agencies, and shall comply with procedures set forth in the Administrative Manual of the Development Ordinance.

1206 BOARD OF ADJUSTMENT. In accordance with law, the County Board shall appoint a Board of Adjustment, which shall adopt rules to govern its procedures. The Board of Adjustment shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings and render decisions in writing, as required by law. The Board of Adjustment shall have the functions, powers, and obligations specifically granted by law.

1206.1 Appeals from the Zoning Administrator. The Board of Adjustment shall hear and decide appeals where it is alleged by the appellant that the Zoning Administrator has failed to follow prescribed procedures, or has misinterpreted or misapplied any provision of the Development Ordinance or of the District Map, or any valid rule or regulation governing the action of the Zoning Administrator. Appeals from any order, requirement, decision, or determination of the Zoning Administrator may be made by any person aggrieved, or by any official.

1206.2 Variances. The Board of Adjustment shall hear requests for variances where it is alleged that the provisions of the Development Ordinance create practical difficulties in complying with the official controls. Practical difficulties mean that the property owner proposes to use the property in a reasonable manner not permitted by any official control. In granting any variance, the Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Development Ordinance, provided the condition is directly related to, and bears a rough proportionality to, the impact created by the variance. The Board of Adjustment may grant a variance, provided the following findings are made where relevant in a given case:

A. The variance proposes the use of land in a reasonable manner;

- B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- C. The variance, if granted, will not alter the essential character of the area;
- D. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems, and may include earth sheltered construction as defined by the State of Minnesota, when it is in harmony with official controls; and
- E. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

1206.3 Variances in the Flood Plain. The Board of Adjustment may authorize, upon appeal in specific cases, such relief or variance from the terms of the Development Ordinance as will not be contrary to the public interest, and only for those circumstances such as hardship, practical difficulties, or circumstances unique to the property under consideration, as provided for in Minnesota Statute 394, or successor statutes. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that exist consistent with the criteria specified below, any other zoning regulations, and Minnesota Statute 394, or successor statutes, that justified the granting of the variance. No variance shall have the effect of allowing, in any district, uses prohibited in the district, permitting a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permitting standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency (FEMA) must be satisfied:

- A. Variances shall not be issued by a community within any designated regulatory floodway, if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued by a community upon showing of good and sufficient cause, and a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

1206.4 Stay of Proceedings. Upon the filing of proceedings before the Board of Adjustment, and during the pendency of such proceedings before the Board of Adjustment, all land development being challenged may be subject to a stay of proceedings. The stay of proceedings will be granted if, and only if, the Zoning Administrator certifies to the Board of Adjustment facts indicating that such stay is necessary to prevent imminent peril to life or property.

1206.5 Hearings. The Board of Adjustment shall conduct hearings and make decisions in accordance with their adopted rules, and in accordance with the Administrative Manual.

## ARTICLE THIRTEEN: DEFINITIONS

1301 Certain words used in the Development Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural and the plural the singular. The word “shall” is mandatory and not permissive.

**ABANDONED SIGN:** A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

**ACCESSORY STRUCTURE:** A subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to an customarily found in connection with the main structure or principal use of the land.

**ACCESSORY USE:** A subordinate use, which is clearly incidental and related to that of a main use of land.

**AGRICULTURE:** Any use of land or structures for farming, dairying, pasturage, vineyard, horticulture, floriculture, arboriculture, aquaculture, or animal or poultry husbandry. Accessory structures allowed in conjunction with an agricultural use may include barns, greenhouses, stables, corncribs, silos, and any other use or structure that is clearly related to an agricultural operation.

**AGRITOURISM:** An accessory or principal use designed to attract visitors to participate in and observe farm activities. Examples of such uses include wedding barns, wineries, vineyards, corn mazes, working farm tours or similar.

**AIRPORT OR HELIPORT:** Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used for or intended for use for port buildings or other port structures of rights-of-ways.

**ANTENNA:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, microwave signals, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes and omni-directional antennas, such as whip antennas.

**APARTMENT:** A room or suite of rooms with cooking facilities available which is occupied as a residence by a single person, or a group of individuals living together as a single family unit. This includes units in buildings with more than two (2) dwelling units.

**APPLICANT:** A landowner or holder of an agreement to purchase land, lessee or other person having a proprietary interest in land or the heirs, successors, assigns of such person who has filed an application for the use, improvement or development of any parcel or for the subdivision of land or land development under the terms of the Development Ordinance.

**APPLICATION:** An application, either preliminary or final, required to be filed and approved prior to the use, improvement of development of any parcel or structure, or the start of land development or subdivision and which is complete in all respects as required by the Development Ordinance.

**BANK:** A commercial bank, savings and loan company, credit union, stockbroker or closely related business.

**BANNER SIGN:** A sign made of fabric or any non-rigid material with no enclosing framework.

**BASEMENT:** A story having forty percent (40%) or more of its height below the average level of the adjoining ground.

**BASIC GRADE:** A reference plane representing the average of the ground level adjoining a structure at all its exterior walls.

**BED AND BREAKFAST:** A residential dwelling where rooms are rented to guests on an overnight basis and meals are served to these guests.

**BEDROCK:** The natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surface deposits.

**BILLBOARD:** A sign erected and used for the purpose of advertising a product, event, place, person or subject not related to the premises on which the sign is located.

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river, stream, or lake.

**BLUFF:** A topographic feature such as a hill, cliff, or embankment having all the following characteristics: part of the feature is located in shoreland; the slope rises at least twenty-five (25) feet above the ordinary high water level of the water body; the grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and the slope must drain toward the water body.

**BLUFF IMPACT ZONE:** A bluff and land located within twenty (20) feet from the top of a bluff.

**BOARD OF ADJUSTMENT:** The Board of Adjustment for Mille Lacs County.

**BOATHOUSE:** A boathouse is a structure designed and used solely for the storage of boats or boating equipment, with a maximum area of four hundred (400) square feet and a maximum width of twenty (20) feet, measures parallel to the shoreline.

**BUFFER:** The use of land topography, spaces and screening to separate uses or structures from other uses or structures.

**BUILDABLE AREA:** That portion of a zoning lot bounded by the required front, side and rear yards.

**BUILDING FACE:** The exposed face of a building, including windows and doors, from ground level to the eave line.

**BUILDING LINE:** A line parallel to the lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

**CAMPGROUND:** Commercial facilities where spaces are provided for camping by tent, recreational vehicle or fish house.

**CEMETERY:** Land used or intended to be used for the burial of human remains for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction within the boundary of such cemetery.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision or street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

**COMMON OPEN SPACE:** A parcel of land integral to a planned residential development or conservation subdivision and subject to provisions which assure the continued availability and maintenance of such open space for the use and benefit of the residents of the planned development.

**COMMUNICATION TOWER:** Licensed commercial wireless telecommunication services, and similar support facilities, including antennae.

**COMMUNITY USE:** A school, playground, or related recreation facility, public building or public maintenance facility.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONDITIONAL USE:** A use allowed in a district, which requires approval by the County Board under terms and procedures and with conditions prescribed herein, and associated attached conditions.

**CONSERVE:** To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

**CONSERVATION EASEMENT:** An easement which imposes limitations or obligations to protect natural, scenic, or open-space values of real property for the purposes of agriculture, forest, recreational or enhancing water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.

**CONSERVATION SUBDIVISION:** Any development of land within a conservation, agricultural or residential district that incorporates the concepts of design, open space and clustering of dwelling units.

**CONSTRUCTION SIGN:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**COUNTY:** Mille Lacs County, Minnesota.

**DAY CARE CENTER:** Any place, home or institution which cares for four (4) or more children under the age of sixteen (16) years apart from the parents, guardians, or custodians for regular periods of time for compensation. The term "day care center" shall not include schools or churches or other religious or public institutions caring for children within an institutional building or apply to custody fixed by a court, children related by blood or marriage.

**DEVELOPABLE AREA:** All land in a proposed subdivision that is not defined as undevelopable due to environmental conditions.

**DEVELOPER:** Any present or prospective landowner or agent of such landowner who makes or causes to be made a development plan and an application for a site development plan, subdivision, land development or planned development.

**DEVELOPMENT:** Any change to improved or unimproved real estate, including but not limited to buildings or other structures, streets, and other paving, utilities, grading, excavation, mining dredging or drilling operations and the subdivision of land.

**DEVELOPMENT AGREEMENT:** A written agreement entered into between the County and a developer, ensuring acceptance of conditions of approval, guaranteeing performance of all required improvements and amenities, and recorded to run with the deed to the subject property.

**DIRECTIONAL SIGN, OFF-PREMISE:** An off-premise sign that provides directional assistance to access an establishment conveniently and safely, when such establishment is not easily visible from a street. Such signs shall not exceed thirty-two (32) square feet.

**DIRECTIONAL SIGN, ON-PREMISE:** An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but not advertising copy, such as parking or exit and entrance signs. Such signs shall not exceed four (4) square feet.

**DUPLEX, TRIPLEX AND QUAD:** A dwelling structure on a single lot, having two (2), three (3) and four (4) units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, living and sanitation facilities.

**DWELLING, SINGLE FAMILY:** A detached building having accommodations for and occupied by not more than one (1) family. Dwellings shall be a minimum of seven hundred fifty (750) square feet in area.

**DWELLING, ATTACHED:** A dwelling, which is joined to another dwelling at one (1) or more sides.

**ELEVATION:** The vertical distance above mean sea level elevation.

**ENGINEER:** A professional engineer, surveyor or architect, who is licensed by the State of Minnesota.

**ENGINEERING GEOLOGIST:** A person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.

**EQUAL DEGREE OF ENCROACHMENT:** A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

**ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding except for the passage of some water vapor or seepage; the structure is substantially impermeable to the passage of water.

**ESSENTIAL SERVICES:** Include but are not limited to utility substations, small-scale transportation facilities and other services necessary to provide the public with essential services.

**EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, displaced, relocated or bull dozed and shall include the conditions resulting therefrom.

**EXTRACTIVE USE:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

**FAA:** Federal Aviation Administration.

**FAMILY:** Either an individual or two (2) or more persons related by blood or marriage or adoption, or a group of not more than five (5) persons not so related occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel; or a group residence which complies with the

requirements of the Group Residential Housing Act Minnesota Statutes 2561.01-2561.04 or successor statutes.

**FARM:** A tract of land, which is principally used for agricultural activities. Farms may include a dwelling and accessory building and structures necessary to the operation of the farm.

**FEEDLOT:** A place where manure is generated or stored including, but not limited to, a confinement barn, manure pack, waste storage facility, or any building, lot or pen where livestock, poultry, or other animals where greater than or equal to fifty (50) animal units are confined or the equivalent animal waste is stored or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. This definition does not apply to areas normally used for pasture or crops.

**FENCE:** Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or with the required yard.

**FILL:** An act by which earth, sand gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location including the material being deposited and the condition resulting from such act.

**FISH HOUSE:** A portable structure constructed and maintained for the purpose of providing shelter during ice fishing.

**FISH HOUSE, STORAGE:** Fish houses, which are not used as temporary residences during the off season.

**FLOOD:** A temporary rise in stream flow or stage that results inundation of the areas adjacent to the channel.

**FLOOD FRINGE:** That area of the flood plain outside of the floodway.

**FLOOD PLAIN:** The beds proper and the areas adjoining a wetland, lake or watercourse that has been or hereafter may be covered by the regional flood.

**FLOODPROOFING:** Means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

**FLOOR AREA:** The sum of the gross horizontal areas of the floors of the building or portion thereof devoted to particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the

production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities the production or processing of goods, or to business or professional offices.

**FORESTRY:** The use and management of a forest or woodland including access roads, logging, research, and related educational activities.

**FOREST MANAGEMENT:** Management or conservation of forest resources.

**GAS STATION/CONVENIENCE STORE:** A retail establishment supplying gasoline and oil, tires, accessories, convenience items and services for vehicles directly to the public, including minor repairs, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul, recapping of tires, or auto wrecking. Including convenience items.

**GOVERNMENT SIGN:** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**GUEST COTTAGE:** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

**HAZARD:** A danger or potential danger to life, limb or health or an adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers including stream pollution.

**HEIGHT:** The vertical distance from the grade at the front wall of a structure to the highest point of the roof.

**HIGHWAY:** Any public thoroughfare or vehicular right-of-way with a federal or state numerical route designation.

**HOME OCCUPATION:** Any occupation or profession engaged in by the occupant of a dwelling, at or from the dwelling, or from an accessory building located on the premises.

**HOME SCHOOL COOPERATIVE:** A facility designed for a group of families for home schooling children.

**IDENTIFICATION SIGN:** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity of occupation being identified.

**INCIDENTAL SIGN:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business. The maximum allowed size is four (4) square feet.

**INDUSTRIAL INCUBATOR:** An enclosed structure or facility housing one or more start-up industrial uses and shared business services and parking areas.

**ILLEGAL SIGN:** A sign which does not meet the requirements of the Development Ordinance and which has not received legal nonconforming status.

**INSTITUTIONAL SIGN:** Any sign erected and maintained by a church or other religious institution for the identification of said church or religious property, or facility.

**INTENSIVE VEGETATION CLEARING OR CLEAR CUTTING:** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

**JUNK AND SALVAGE OPERATIONS:** An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper rags, rubber, tires, and bottles. A junk yard includes any place where three (3) or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**LOT:** A parcel or portion of land in a planned subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

**LOT, AREA:** The area of a lot in a horizontal plane bounded by the lot lines. For the purposes of the Development Ordinance, the lot area shall exclude public right-of-way.

**LOT LINE ADJUSTMENT:** The adjustment or relocation of a lot line between two (2) or more lots, parcels, or tracts, where an additional lot parcel or tract is not created.

**LOT OF RECORD:** Any lot which individually or as part of a subdivision has been recorded in the Office of the Recorder of Deeds of the County.

**LOT WIDTH:** The shortest distance between the lot lines measured at the midpoint of the building line.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation, when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle", but includes "mobile homes".

**MANUFACTURING:** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious

emission which will disturb or endanger neighboring properties. Manufacturing includes the production of the following goods: home appliances, electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

**MEDICAL CLINIC:** Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed to perform medical healing arts.

**MINING AND GRAVEL EXTRACTION:** Mining is the excavation, removal or processing of earth materials, including but not limited to aggregate, gravel, stone, and sand. Mining shall not include the excavation, removal, or storage of earth materials for grading, construction or landscaping.

**MINI-STORAGE FACILITY:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or similar supplies.

**MOBILE HOME PARK:** Any site, lot, field, or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied mobile homes. Mobile Home Park shall include any buildings, structures, vehicles, or enclosures intended for use as part of the equipment of such mobile home park.

**MODULAR HOME:** A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

**MUNICIPAL WATER AND SEWER SYSTEM:** Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.

**NON-CONFORMING LOT:** A lot whose width, area, or other dimension does not conform to the regulations.

**NON-CONFORMING SIGN:** A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

**NON-CONFORMING STRUCTURE:** Any structure or part of a structure legally existing at the time of enactment of a preceding Development Ordinance, the Development Ordinance or any of its amendments which does not conform to the provisions of the Development Ordinance.

**NON-CONFORMING USE:** Any use or arrangement of land or structures legally existing at the time of enactment of a preceding Development Ordinance, the Development Ordinance or any of its amendments which does not conform to the provisions of the Development Ordinance.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**ONE HUNDRED (100) YEAR FLOOD:** A flood of such magnitude that has only a one percent (1%) chance of occurring each year, although such flood may occur in any year.

**OPEN SPACE:** Land used for agriculture, forestry, natural habitat, pedestrian, corridors and/or recreational purposes that is undeveloped and permanently protected from future development.

**PERSON:** A person, partnership, corporation, trust or association.

**PERSONAL CARE AND ASSISTED LIVING FACILITIES:** Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for ten (10) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

**PLANNED RESIDENTIAL DEVELOPMENT:** At least ten (10) acres of land, controlled by one landowner, to be developed as a single entity for a number of dwelling units, in accordance with a site development plan which does not correspond in lot size, bulk, or type of buildings, density, lot coverage and required open space to the regulations established in any one residential district by the Development Ordinance.

**PLANNED UNIT DEVELOPMENT:** At least five (5) acres of land, controlled by one (1) landowner to be developed as a single entity for more than one (1) principal structure and built in accordance with a site development plan, which may provide for industrial and commercial uses, recreation and open space which is reviewed and approved in accordance with provisions of the Development Ordinance.

**PLANNING COMMISSION:** The Planning Commission of Mille Lacs County, Minnesota.

**PRIMARY CONSERVATION AREA:** Lands identified as having significant natural resource

areas that should be permanently protected such as wetlands, flood plains, steep slopes, unique habitat; productive agricultural soils and forested land.

**PUBLIC/COMMERCIAL RECREATION FACILITY:** A structure or facility designed to attract visitors for the purposes of primarily indoor recreational or sports activities.

**PUBLIC WATERS:** Any waters as defined in Minnesota Statutes, Section 105.37, Sub. 14 & 15, or successor statutes.

**REAR YARD:** The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

**RECREATIONAL CAMPING:** The recreational use of land for camping purposes whether by tent, fish house or recreational vehicle, or a structure of less than seven hundred fifty (750) square feet. Recreational camping may be an accessory use or principal use.

**RECREATIONAL VEHICLE:** A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of these provisions, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

**REGIONAL FLOOD:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood", one percent (1%) annual chance flood or one hundred (100) year flood elevation.

**REGULATORY FLOOD ELEVATION:** The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

**RELIGIOUS INSTITUTION:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain worship.

**RENEWABLE ENERGY USE PRODUCTION:** The use of alternative energy use sources including wind, solar and biofuels, for the production of energy for more than a single family.

**SECONDARY DWELLING:** An accessory dwelling unit to a principal one family house installed and intended solely for the use by relatives or domestic or farm employees.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water level.

**SEDIMENTATION:** The process by which sediment is deposited on stream bottoms.

**SERVICE ROAD:** Any road running parallel to the main road or highway which provides access to land.

**SEWAGE TREATMENT SYSTEM:** A septic tank and soil absorption system or other individual or cluster type sewage treatment as described and regulated in the Development Ordinance.

**SHOPPING CENTER:** A group of commercial establishments that is planned, developed, owned, and managed as a unit and related in its location, size, and type of shops to the trade area that the unit serves.

**SHORELAND:** Means land located within the following distances from public waters: One thousand (1000) feet from the ordinary high water level of a lake, pond or flowage; or three hundred (300) feet from a river or stream, or on the landward extend of a flood plain designated by ordinance on such a river or stream whichever is greater.

**SHORE IMPACT ZONE:** Land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

**SIDE YARD:** The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

**SIGN:** Any device, structure, fixture, or placard using graphic, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

**SIGN MAINTENANCE:** For the purposes of the Development Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

**SINGLE FAMILY DWELLING:** A detached building having accommodations for and occupied by not more than one (1) family.

**SOIL ENGINEER:** A person registered by the State of Minnesota as a professional engineer and who has training and experience in soils engineering.

**SOIL SURVEY:** The soil survey for Mille Lacs County.

**SOLID WASTE:** All parts of combinations of ashes, garbage, refuse, radioactive material, combustible demolition materials, and industrial wastes such as food processing wastes, wood plastic metal scrap, etc.

**STORY:** The portion of a building included between the surface of any floor and the surface of the floor or roof next above.

**STREAM:** Any river, run, creek, or other natural drainage course draining surface water in which standing or flowing water is clearly visible throughout most of the year.

**STREET:** A right-of-way intended primarily for vehicular traffic and usually providing for utilities and pedestrian travel.

**STREET WIDTH:** The width of the improved surface, measured at right angles to the centerline of the street.

**STRUCTURE:** Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in the Development Ordinance and other similar items.

**SUBDIVISION:** Land that is subdivided.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure where the cost of restoring the structure to its original condition before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Within any consecutive three hundred sixty-five (365)-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

**SUPPLY/CONTRACTORS YARD:** A commercial use storing or offering for sale building supplies, steel supplies, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles or similar vehicles.

**SURFACE WATER-ORIENTED COMMERCIAL USE:** Use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, restaurants, hotels and motels with transient docking facilities are examples of such use.

**TOE OF THE BLUFF:** The lower point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%).

**UNDEVELOPABLE AREA:** Those lands in a proposed subdivision that are restricted from development to environment conditions such as steep slopes, the presence of wetlands, waterways or are restricted from development due to other requirements of the Development Ordinance.

**USE:** The purpose, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, utilized or maintained.

**UTILITY SUBSTATION:** A structure that houses equipment needed for the processing or distribution of service by a public utility, but not including offices or the overnight storage of maintenance vehicles.

**VARIANCE:** An authorization to vary from the strict interpretation of the standards of the Development Ordinance which may be granted by the Board of Adjustment in accordance with Minnesota Statute 394 or successor statutes.

**WALL GRAPHIC:** A visual artistic representations and symbols.

**WALL SIGN:** A sign attached to and extending not more than twenty-four (24) inches from the wall of a building or beyond the edge of the eave with no copy on the sides or edges.

**WATERCOURSE:** A natural drainage route or channel for the flow of water.

**YARD:** An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by structure or used for parking or storage, except as otherwise provided, and not including any portion of a street or alley.

**ZONING ADMINISTRATOR:** The person officially hired by Mille Lacs County to enforce the Development Ordinance.

Final Recommended by the Planning Commission  
Mille Lacs County Board of Commissioners  
Adopted April 7, 2015 - Effective May 1, 2015

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